

**H.R. 2578, TO AMEND THE WILD  
AND SCENIC RIVERS ACT RE-  
LATED TO A SEGMENT OF THE  
LOWER MERCED RIVER IN  
CALIFORNIA; AND H.R. 1581,  
“WILDERNESS AND ROADLESS  
AREA RELEASE ACT OF 2011”**

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**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS  
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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**Tuesday, July 26, 2011**  
**U.S. House of Representatives**  
**Subcommittee on National Parks, Forests and Public Lands**  
**Committee on Natural Resources**  
**Washington, D.C.**

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The Subcommittee met, pursuant to call, at 10:09 a.m. in Room 1334, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, Broun, McClintock, Tipton, Noem, Denham, Pearce, Grijalva, Kildee, Heinrich, Garamendi, and Markey [ex officio]

**STATEMENT OF HON. ROB BISHOP, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. All right, the Subcommittee will come to order. I note the presence of a quorum. The Subcommittee on National Parks, Forests and Public Lands is meeting today to hear testimony on two pieces of legislation, H.R. 2578, which will amend the Wild and Scenic Rivers Act related to a segment of the lower Merced River in California and for other purposes, and H.R. 1581, to release wilderness study areas administered by the Bureau of Land Management that are not suitable for wilderness designation and from continuing management as defacto wilderness areas and to release inventoried roadless areas of the National Forest Service that are not recommended for wilderness designation and from certain land use restrictions and for other purposes, which is called the Wilderness and Roadless Area Act of 2011.

Under the Committee Rules, opening statements are limited to the Chairman and Ranking Member of the Subcommittee, however I ask unanimous consent to include any other Members' opening statements in the hearing record if submitted to the clerk by the close of business today. Hearing no objection, it will be so ordered. I also ask unanimous consent that the gentleman from California, Mr. Denham, and the gentleman from New Mexico, Mr. Pearce, after he gives his testimony, be allowed to join us on the dais and participate in the hearing. Without objection, so ordered. You just heard the gavel bang.

Today we are going to hear the testimony on the two bills. We are going to do the first one first, so I would invite Senator Barrasso, Representative Pearce, Mr. Abbey, and Mr. Sherman from the Forest Service if they would come up and take the dais in the first place, but I am also going to ask that we actually talk about the bills, first of all the Merced River bill and then we will discuss the Wilderness and Roadless Areas Release Act. Today in the testimony on these two bills we are going to first do the one by Congressman Denham, which adjusts the Merced Wild and Scenic River's boundary to coincide with the Federal Energy Regulatory Commission operational boundary for the Merced Irrigation District's New Exchequer Dam Project No. 2179 at Lake McClure, which is on the Merced River.

Now the Public Law that was enacted has the Merced Wild and Scenic River already encroaching a half a mile into the existing Federal Energy Regulatory Commission operational boundary, and even though this already floods most of the time, this legislation will simply allow the generation of an additional 10,000 megawatts of renewable energy electricity that will stimulate job growth, agriculture, and recreation activities in the area. This is something that the locals desire in this particular area and bureaucrats back here in Washington want to have done so they can be secure in re-processing and continuing on with this project.

The other bill that we are looking at today is H.R. 1581, the Wilderness and Roadless Area Release Act, it is another important bill and deserves our thoughtful consideration. Even though the decisions on the issues of this should have been made in 1991 on what is wilderness and what is multiple use, we still have wilderness study areas that abound. This would release all wilderness study areas that have been evaluated and recommended as not suitable for wilderness designation by the Bureau of Land Management or the U.S. Forest System.

This is logical, this is the role that Congress should take. There are those who will talk about the values and the benefits of effective management through multiple use and the serious problems that arise when we default on the management position, which is anything but management. This bill simply would end the blanket Washington-knows-best approach, and it would provide local control and local decisions and land use decisions. And the areas in which people live would actually be determined, and they would be determined for what is suitable for wilderness designation and yet managed as wilderness designation, and that which is not suitable would not be managed as such.

The Administration and others may claim that the WSAs, wilderness study areas, retain that category until Congress acts. Well, that is what we are doing today. Congress is acting. Our failure to do anything in the past has not helped the situation and, in fact, has made it impossible for mechanized conservation, commercial activities, motorized access, road structures, facilities become extremely limited in these areas, and it hurts people. This is not management. Management that puts it in the most restrictive use is not management and it hurts people, so we are going to be talking about that.

We are also going to be talking about the concept of preventive maintenance. Just as you need it on the vehicles, you need it in the forest, for example. The Forest Service is currently removing less than 10 percent of new growth on our National Forests. In other words, the volume of these forests is increasing approximately 90 percent each year, which means we end up with unhealthy forests subject to infestation and catastrophic wildfire. The past few years that has become the norm. That norm is unacceptable. Congress needs to act. This is the vehicle in which they can act.

Contrary to what some will claim, this bill is not a handout to special interests. That argument is as ludicrous as it is demagogic. But without Congressional action, we are failing to use the tools in the toolbox to effectively manage our areas and make America's resources more accessible and available to all Americans. It is an important bill that we are going to be dealing with today. I will yield to the Ranking Member for any opening statement he may have.

**STATEMENT OF HON. RAÚL GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. GRIJALVA. Thank you, Mr. Chairman. H.R. 2578 sponsored by our colleague, Representative Denham, is nearly identical to legislation the Subcommittee considered last month and would do real harm to the Merced Wild and Scenic River. Congress has never before authorized the flooding of a designated Wild and Scenic River, and this measure must be considered very, very carefully. However, the potential damage done to the Merced by H.R. 2578 pales in comparison to the destruction that would result from Mr. McCarthy's Wilderness and Roadless Area Release bill.

This bill would strip environmental protection from tens of millions of acres of public lands, opening up some of our country's most scenic forests and wild lands to destructive development. Congress has provided our Federal land management agencies clear direction to identify Federal land with wilderness characteristics and preserve those characteristics until Congress can make a final decision to designate those areas or to release them.

Congress also directed the agency to provide recommendations regarding which areas should be designated. By protecting these areas until Congress can take action, BLM is preserving the right of Congress to make the ultimate decision on how these pristine places should be managed. Rather than preserving the right to make the ultimate decision, this bill would short-circuit the process by releasing all wilderness study areas that were not recommended for wilderness designation by the agencies, in effect turning the decision over to BLM and the Forest Service.

From the Bully Mountains in California to the Ocala National Forest in Florida, hundreds of potential wilderness areas would be lost to logging, mining, road construction, and other activities that would permanently deface the natural landscape. Once these wilderness characteristics are gone they can never be replaced, and by removing the protection from these lands prematurely Congress makes that loss more likely and ties its own hands in future efforts to designate wilderness areas.

The legislation would remove existing protections for nearly 60 million acres of unroaded national forest. These lands were set

aside in 2001 by the Roadless Rule, which established a nationwide conservation policy for roadless areas. This rule followed years of public outreach to local stakeholders, yet despite the popularity of that initiative, H.R. 1581 would exempt the National Forest System from that rule. All told, H.R. 1581 would have devastating impacts on some of our nation's most pristine public lands.

If these natural wonders are destroyed by unchecked development, it would be ruinous for small business that thrive on hikers, bikers, anglers, and hunters who enjoy this area. It would degrade the quality of life for millions of Americans who live and work near these protected places, and it would deprive future generations of the chance to enjoy our country's rich natural heritage. Simply throwing our hands up and passing an across-the-board release is irresponsible.

It is unfair to the local communities and it is shirking the responsibilities that Congress reserved for itself when it passed the Wilderness Act more than 40 years ago. In closing, Mr. Chairman, I would like to welcome all our witnesses here today. In particular I appreciate Secretary Babbitt's decision to testify and for being here. His extensive record of public service and expertise on these issues will make his testimony invaluable. With that, Mr. Chairman, let me yield back.

Mr. BISHOP. Thank you, gentleman from Arizona. We note the presence of the Ranking Member of the Full Committee. Does Mr. Markey have a statement he wishes to make?

Mr. MARKEY. Yes, Mr. Chairman, if I may be recognized.

Mr. BISHOP. How long do I have to make that decision?

Mr. MARKEY. As long as you want, Mr. Chairman, it is in your discretion.

Mr. BISHOP. All right, the rules say you are recognized, you are recognized right now.

Mr. MARKEY. Thank you, I thank the Chairman very much.

Mr. BISHOP. I recognize you immediately.

#### **STATEMENT OF HON. EDWARD MARKEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS**

Mr. MARKEY. I thank the Chairman. Too often in politics the justifications offered for a legislative proposal are not the real reasons behind the bill. This is part of what gives politicians a bad name. They spend too much time using arguments that don't hold water because they know that if they tell the public what they are really up to, the American people will not support them. That is what is going on with H.R. 1581 today. Most of the arguments you are going to hear if you stop and actually consider them are completely unpersuasive.

For example, we will hear that we need to release wilderness study areas and inventoried roadless areas that were not recommended for wilderness because Congress should not be bound by recommendations made by the Executive Branch 20 or 30 years ago. Does that sound like something Congress should do? Just as we don't base our health policy on 30-year-old science or our defense policy on 30-year-old maps, we should not bind ourselves to agency recommendations based on field work done during the Reagan Administration.



Once more, the Republican majority in this House has made attacking Federal agencies and employees an art form. To come in now and say Congress needs to follow these bureaucrats' recommendation to the letter lacks credibility. And most telling is the fact that the legislation before us only follows agency recommendations to release wilderness study and roadless areas. These recommendations were accompanied by recommendations to designate new wilderness, but proponents of this bill think those suggestions aren't worth following.

The other arguments we will hear today are similarly suspect. The Wilderness Act already allows any action needed to fight fires or to protect public safety. We already have hundreds of thousands of miles of roads crisscrossing our National Forests providing fully adequate recreational access. Hunting and fishing are already allowed in wilderness and wilderness study areas. Since enactment of the Wilderness Act many of the fastest growing communities in the country have been those that will have large areas of beautiful protected open spaces.

H.R. 1581 is not really about any of these things. That is why these claims fail even to withstand minimal scrutiny. The truth is this bill is no different from much of the legislation that has come from the majority on this Committee this year. H.R. 1581 is simply a wealth transfer from the American people to the oil and gas and mining and timber industries. If you scratch the surface of this bill, you will find "Drill, Baby, Drill."

The stunning vistas, the open spaces, the recreational opportunities, wildlife, clean air, clean water provided by these areas belongs to all Americans. It is part of our American heritage. It is something that has been passed on to us, and as Americans we have a responsibility to pass on to those Americans who come after us. And this bill would simply bundle it up and transfer it to oil and gas and mining and timber companies to convert into corporate profits. That is not part of our American ethos.

We have a responsibility to be balanced, we have a responsibility to ensure that all Americans have this treasure that is left for them. Those areas were passed into our hands by our predecessors here in Congress, and H.R. 1581 is an abrogation of our responsibilities, a failure of our stewardship. It is by definition not balanced because they did not listen to all of the recommendations, only those that selectively benefit the imbalance that benefits corporate America and not all Americans, which were also part of that package. So I urge that all who are listening keep that in mind until we can have a discussion, a debate, that is something that is balanced, which is produced from this Committee. And I thank you, Mr. Chairman, and I yield back the balance of my time.

Mr. BISHOP. Thank the gentleman from Massachusetts for joining us and for his statement. We are going to deal with H.R. 2578 first, and because of that I am going to recognize Mr. Denham for a statement he has on the bill.

**STATEMENT OF HON. JEFF DENHAM, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. DENHAM. Well, thank you, and this bill does hold water and I look forward to having bipartisan support out of this Committee

as we do in the Central Valley, Republicans and Democrats coming together to solve a problem in California. First of all, I would like to thank Chairman Bishop for bringing my bill, H.R. 2578, before the Subcommittee for this legislative hearing. This legislation before the Committee today is a simple bill that will provide much needed water storage during wet years in the Central Valley of California, which occur on average only every three to five years.

The additional water storage in these years will be temporary and only occur for three months. This past winter was considered a wet water year for California. Currently dams are in flood control operations and releasing thousands of acre-feet of water due to the lack of sufficient storage. There is a common saying, to save for a rainy day. When talking about water and farming, the saying needs to be tweaked a little bit to say, save on a rainy day, meaning that when we have water, we have to make sure that we can store the excess water in wet years for when the inevitable drought does occur.

The Central Valley of California is home to the world's most productive farmland. The economies of most communities in the valley are buoyed by the agriculture production that occurs throughout the valley. My district continues to suffer from unacceptable high unemployment. Currently unemployment is hovering around 17 percent, which is almost double the national average. We are dependent on water for jobs, communities to be sustainable, and livelihoods associated with farming operations.

H.R. 2578 is a much needed piece of legislation to create desperately needed jobs and much needed water storage where both are so greatly needed. Simply stated, the bill will allow FERC to consider a proposal by the Merced Irrigation District to improve existing spillways that will cause the level of Lake McClure to rise by 10 feet for 60 days during a wet water year. With this legislation the Merced Irrigation District will be able to apply with FERC for the proposed spillway modification. Their application will still be subject to full FERC review once the application is filed.

It is the intent of the Merced Irrigation District to add 10 feet to the spillway gates at the New Exchequer Dam. This addition will not inundate the river any more than is naturally occurring right now today. This legislation will provide up to 70,000 acre-feet of additional water, which can serve 1,700 homes and generate roughly 10,000 megawatt hours of clean renewable electricity on an annual basis. Finally let me also inform this Committee that this project will not cost any state or Federal funds. Who wouldn't be for this one? Again, we have bipartisan support in the valley, Republicans and Democrats coming together to solve a problem where we have huge unemployment in California. Again, let me thank Chairman Bishop for bringing H.R. 2578 before this Committee.

Mr. BISHOP. I appreciate the gentleman from California. Mr. Abbey, Mr. Sherman, I don't know if you have testimony specific to this, I am going to give you the option if you do you can either respond now or if you want to kind of add that into your testimony of both bills together, whichever you would prefer to do.

Mr. ABBEY. I believe I could go ahead and incorporate our comments on both bills together.

Mr. BISHOP. That is your option.

Mr. ABBEY. OK.

Mr. BISHOP. Mr. Sherman, I don't know if you have testimony about this?

Mr. SHERMAN. I do not have any testimony, Mr. Chairman, on this particular legislation.

Mr. BISHOP. OK. We have had one hearing on this one already. Is there any other issues? Mr. Garamendi, you are recognized for five minutes.

**STATEMENT OF HON. JOHN GARAMENDI, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. GARAMENDI. When this bill came up earlier, the issue was about a FERC license, that the bill was necessary to allow the Irrigation District to proceed to get a hearing or to be able to proceed with the FERC licensing, the relicensing of the reservoir. I don't believe anything has changed about that, and that the real intent of the bill was to allow FERC to consider the issue. It now appears as though the argument is that we are somehow going to create jobs and water and the FERC licensing has not yet been completed. Is that the case, Mr. Denham?

Mr. DENHAM. Very little has changed of the bill. We are not looking for a new study that will take this out years, no new committee hearings. We just want to give the local community the opportunity to go before FERC on a project that doesn't cost anything that has bipartisan support in the local area. Again, this is about jobs. When you come to the Central Valley and see the high unemployment and the amount of people that are out of work—

Mr. GARAMENDI. Reclaiming by time, sir. You did talk about jobs, but this is really about changing the Wild and Scenic River law ahead of the FERC licensing process. You have jumped way, way ahead of what is actually taking place, and that is an attempt, a necessity by the Merced Irrigation District to renew its license to even use the Merced River and the reservoir. And I don't know why you think it is necessary at this point to modify, change the Wild and Scenic River law when it was suggested earlier that all you really need to do is to allow by law FERC to consider as it goes through the relicensing process the request by the Merced Irrigation District to allow for seasonal inundation. Now it may very well be that FERC says, no you can't do that even with this law in place. So I think it is an incorrect way to go about allowing the Merced Irrigation District to bring this issue to FERC for their licensing procedures, in other words a step or a river too far. With that I will yield back my time.

Mr. BISHOP. Thank you, I appreciate it. With that we will conclude our testimony on the hearing for H.R. 2578, although Mr. Abbey and Mr. Sherman may incorporate testimony in their comments as well. We will then turn to H.R. 1581. We have the full panel out here with us, we are happy to have you here. Let me go from, let me start actually with Mr. McCarthy from California who is the author of this bill, then we will go to Senator Barrasso, I understand both of you are on tight schedules. As soon as your testimony is over, if you need to leave to other commitments, feel free to do that.

Representative Pearce will go next. Once again the same situation, if you can stay with us you are welcome to join us on the dais, if you need to go, you need to go. Then Mr. Abbey and then Mr. Sherman. You all know the ritual here. The written testimony is there, we prefer the oral one. You see the lights in front of you, yellow mean you have a minute, red means I have to use the gavel, I haven't done that yet, please don't make me. Mr. McCarthy, you are on.

**STATEMENT OF HON. KEVIN McCARTHY, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. McCARTHY. Well, thank you, Chairman Bishop, thank you for holding this legislative hearing. Right now, the Bureau of Land Management and the United States Forest Service administers over 400 million acres of land in the United States. Now what does that mean? 45 percent of all of California, almost 60 percent of Utah, and nearly 85 percent of Nevada are owned by the Federal Government. This means the government has significant control over how the lands in our state are used, what is done on them, and how the American people can access and enjoy them.

Starting in 1960, Congress enacted several laws that require that millions of acres under Federal control to be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. In other words public lands has to be just that, open to the public. However, today there are over 42 million acres of wilderness study areas and inventoried roadless areas which have been deemed unsuitable for wilderness by BLM and the Forest Service respectively.

Because of the current law and regulations, these lands must be managed essentially as if they are wilderness areas, the most restrictive management practice which prohibits most activities and deny Americans the ability to fully and appropriately enjoy their public lands. These lands remain under lock and key until Congress chooses to make them wilderness areas or release them for multiple use, a decision that has been pending for decades. Simply put, my common sense bill would release wilderness study areas and inventoried roadless areas deemed not suitable for wilderness by the existing agencies so they are no longer needlessly held in regulatory limbo, which deny the American people full and appropriate access to them and require that they be managed for multiple use.

The bill would also return these lands to the local management process where decisions on what and can't occur on them are made by local land managers, communities and stakeholders in and around the areas, consistent with existing environmental protections. Why is this bill important? Allowing these lands to be managed for multiple use enable local land managers and communities to potentially allow for reasonable resources development, better healthy forest management, more reliable grazing, and numerous recreational activities including motorized sports and increased areas for better hunting and fishing.

These activities could create jobs and generate new revenue by many rural and outlying communities across the country that depend on visitors to our National Forests and public lands. In

addition, opening up these lands would make it much easier to clear fallen and rotten trees and underbrush, reducing the danger of the out-of-control wildfires that have been prevalent in California and around the Nation in recent years.

Where I represent there are 11 wilderness study areas in which more than 18,000 acres have been deemed unsuitable for wilderness. There are 7 roadless areas within the Sequoia National Forest around Lake Isabella, with over 200,000 acres that have been recommended not suitable for wilderness. Actively enjoying the land through recreational activities benefit our local communities across the West. In conclusion, all this bill does is to act on the recommendations of BLM and the Forest Service to release a small percentage of the 400 plus million acres these agencies are responsible for which has been deemed unsuitable.

As President Theodore Roosevelt, one of the greatest champions for our natural wonders said, conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land. I am honored today to have two constituents that are going to testify later, Chris Horgan and Dave Freeland. And they will tell you from first hand, being a ranger, being a committed conservationist that can help protect, that as you narrow down the land that you open up you actually destroy more land, because those who are able to enjoy it have a smaller area and trample over more.

What this bill does takes the studies that this Congress paid for by the BLM and the Forest Service and they actually take the study and apply them to what they said would be the best outcome while protecting the local environmental by having the locals in control. If you have ever been to California, if you have ever watched the news and you see the out-of-control fires, we know we can have a better way, we know we can open it up for more people to enjoy. That was the intent of the beginning in the 1960 of opening up these lands. And I yield back.

[The prepared statement of Mr. McCarthy follows:]

**Statement of The Honorable Kevin McCarthy, a Representative in Congress from the State of California**

Well thank you Chairman Bishop, thank you for holding this legislative hearing. Right now, the Bureau of Land Management and the United States Forest Service administers over 400 million acres of land in the United States. Now what does that mean? 45 percent of all of California, almost 60 percent of Utah and nearly 85 percent of Nevada are owned by the Federal government. This means the government has significant control over how lands in our state are used, what is done on them and how the American people can access and enjoy them.

Starting in 1960, Congress enacted several laws to require that millions of acres under Federal control be "administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes." In other words, public lands has to be just that—open to the public.

However, today there are over 42 million acres of Wilderness Study Areas and Inventoried Roadless Areas, which have been deemed unsuitable for wilderness by BLM and the Forest Service, respectively. Because of the current law and regulations, these lands must be managed essentially as if they are Wilderness Areas—the most restrictive management practice, which prohibits most activities, and denies Americans the ability to fully and appropriately enjoy their public lands.

These lands remain under lock and key until Congress chooses to make them Wilderness Areas or release them for multiple-use. A decision that has been pending for decades.

Simply put, my common sense bill would release Wilderness Study Areas and Inventoried Roadless Areas deemed not suitable for wilderness by the existing agen-

cies so they are no longer needlessly held in regulatory limbo, which denies the American people full and appropriate access to them, and require they be managed for multiple-use. The bill would also return these lands to the local management process, where decisions on what and can't occur on them are made by local land managers, communities and stakeholders in and around the areas, consistent with existing environmental protections.

Why is this bill important?

Allowing these lands to be managed for multiple-use enables local land managers and communities to potentially allow for reasonable resources development, better healthy forest management, more reliable grazing and numerous recreational activities, including motorized sports and increased access for better hunting and fishing. These activities could create jobs and generate new revenue for many rural and outlying communities across the country that depend on visitors to our national forests and public lands.

In addition, opening up these lands would make it much easier to clear fallen and rotten trees and underbrush, reducing the danger of the out-of-control wildfires that have been prevalent in California and around the nation in recent years.

Where I represent, there are 11 Wilderness Study Areas in which more than 18,000 acres have been deemed unsuitable for wilderness. There are seven roadless areas within the Sequoia National Forest around Lake Isabella, with over 200,000 acres that have been recommended not suitable for wilderness. Actively enjoying the land through recreational activities benefit our local communities across the West.

In conclusion, all this bill does is to act on the recommendations of BLM and the Forest Service to release a small percentage of the 400 plus million acres these agencies are responsible for, which have been deemed unsuitable.

As President Theodore Roosevelt, one of the greatest champions for our natural wonders, said, "Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land."

I'm honored today to have two constituents that are going to testify later. Chris Horgan and Dave Freeland, and they will tell you from firsthand, being a ranger, being a committed conservationist that can help protect. As you narrow down the land that you open up you actually destroy more land. Because those who are able to enjoy it have a smaller area and trample over more. What this bill does takes the studies that this Congress paid for, by the BLM and the Forest Service, and they actually take the study and apply them to what they said would be the best outcome; while protecting the local environment by having the locals in control. If you've ever been to California, if you've ever watched the news and you see the out-of-control fires. We know we can have a better way. We know we can open it up for more people to enjoy. That was the intent, from the beginning in the 1960s of opening up these lands. And I yield back.

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Mr. BISHOP. Thank you, Representative McCarthy, and as I said, if you need to go to another event you need to go, but you are welcome to stay as long as you can. Senator Barrasso, who is also the Chairman of the Senate Western Caucus but as I also understand the chief sponsor of a companion bill in the Senate, we welcome you over here to the right side, the correct side of the Capitol, and we want to recognize you as well.

#### **STATEMENT OF HON. JOHN BARRASSO, A UNITED STATES SENATOR FROM THE STATE OF WYOMING**

Senator BARRASSO. Well, thank you very much, Mr. Chairman. I really appreciate your leadership, your opening remarks, and I want to thank the Committee for inviting me to testify in support of the Wilderness and Roadless Area Release Act. I have introduced a companion bill in the Senate along with Senators Murkowski and Enzi and Hatch and Heller, and it is really a pleasure to participate in the hearing today along with Majority Whip Kevin McCarthy and House Western Caucus Chairman, Representative Steve Pearce.

I also want to welcome Wyoming County Commissioner Kent Connelly, he is going to be testifying today, and acknowledge his work on public land issues in Wyoming. Commissioner Connelly's testimony will provide insight on how this legislation will provide relief, relief needed from Federal bureaucratic roadblocks in western rural counties. Now, Mr. Chairman, Congress did not designate any wilderness in the Federal Land Policy and Management Act of 1976. What Congress did do was set aside over 70 million acres to temporarily study for possible wilderness designation.

Federal agencies would make recommendations to Congress and then Congress would then decide what areas should receive this wilderness designation. However, the 1976 law created a giant loophole. The loophole allows all lands set aside for wilderness study to essentially be perpetually managed under wilderness criteria, not by multiple use and sustainable yield provisions. The effect of this loophole was to create defacto wilderness areas across the West without Congressional approval. That is why the Wilderness and Roadless Area Release Act is needed.

Of the over 12 million acres of wilderness study areas, BLM recommended about half of those acres as not suitable for wilderness designation. The U.S. Forest Service recommended that 36 of 61 million acres are not suitable. These decisions have been made for over 20 years. This Act ends the cycle of indefinite wilderness review and management of these nonwilderness recommended lands. This legislation allows local Americans and stakeholders to work with agency officials to develop management plans that best balance recreation, multiple use, and conservation.

Every released acre and activity will be subject to the respective Forest Service and BLM land use planning process. Mr. Chairman, you have heard it as well as I have, critics have called this bill extreme. They declare passage would result in unchecked development and ecological disasters. Well, there is nothing extreme about allowing and following nonwilderness recommendations, nothing extreme about local stakeholders participating in the planning process, nothing extreme about land returning to the Forest Service or BLM land use planning process, and there is nothing extreme about proactively managing forests impacted by the mountain pine beetle.

I will tell you one of the biggest roadblocks in Wyoming to any management activity of the pine beetle is the 2001 Roadless Rule. The fact is that this bill today is a common sense bill. Opponents want to rewrite history. They want to pretend that Congress designated wilderness with the passage of the Federal Land Policy and Management Act. They want to maintain the do-nothing status quo. They want to prevent local stakeholders and land management agencies from making land planning decisions, and they are obstructing healthy forest management.

Former Secretary Babbitt is here, and he has stated that those who support this bill he said are operating in the shadows. I disagree. Those who support this bill are standing in the sunshine. I am here in a public setting advocating for public participation in land management. This is in stark contrast, Mr. Chairman, to secretive events creating the Grand Staircase-Escalante National Monument in your home state in Utah which was announced from

Arizona. This is in stark contrast to last year's leaked Treasured Landscapes Internal Effort by the Department of the Interior officials.

This is in stark contrast to the December 23rd Wildlands Announcement, made the day before Christmas Eve, and it said if you wanted to, it wasn't wilderness they said, but if you wanted to access their talking on the conference call the access code was wilderness. Mr. Chairman, this legislation is not in the shadows, this is in the light of day. This Act is good land management policy. Doesn't dictate what will or will not happen on the released lands.

Rather, it returns management to the respective agencies. It provides them the flexibility to manage our public lands for a multitude of activities. Most importantly it gives local Americans, those who live and work and play on public lands, a voice. So I fully support this legislation. I commend Representative McCarthy for his leadership on this issue. Thank you, Mr. Chairman, for the opportunity to testify.

[The prepared statement of Mr. Barrasso follows:]

**Statement of The Honorable, John Barrasso, a U.S. Senator from the State of New York, on H.R. 1581, "Wilderness and Roadless Area Release Act of 2011"**

Thank you Chairman Bishop. I appreciate your leadership and your opening statement. I want to thank you and Members of the Committee for inviting me to testify in support of the "Wilderness and Roadless Area Release Act."

I introduced the companion bill, S. 1087, in the Senate, along with Senators Murkowski, Enzi, Hatch, and Heller. It is a pleasure to testify in favor of this bill along with Majority Whip Kevin McCarthy and House Western Caucus Chairman Rep. Steve Pearce.

I also want to welcome Wyoming County Commissioner Kent Connelly, who will testify today, for his work on public lands issues in Wyoming. Commissioner Connelly's testimony will provide insight on how this legislation will provide relief, from federal bureaucratic roadblocks in western rural counties.

Congress did not designate any wilderness in the Federal Land Policy and Management Act in 1976. What Congress did do was set aside over 70 million acres to temporarily study for possible wilderness designation. Federal agencies would make recommendations to Congress. Congress would then decide what areas should receive Wilderness designation.

However, the 1976 law created a giant loophole. The loophole allows all lands set aside for wilderness study to essentially be perpetually managed under wilderness criteria, not by multiple-use and sustainable yield provisions. The effect of this loophole was to create de facto wilderness areas across the West without Congressional approval.

That is why the Wilderness and Roadless Area Release Act is needed.

Of the 12.27 million acres of Wilderness Study Areas, BLM recommended 6.7 million acres as not suitable for wilderness designation. The U.S. Forest Service recommended 36 of the 61 million acres as not suitable. These decisions have been made for over 20 years.

This act ends the cycle of indefinite wilderness review and management of these non-wilderness recommended lands. The legislation allows local Americans and stakeholders, to work with agency officials to develop management plans that best balance recreation, multiple-use, and conservation. Every released acre and activity will be subject to the respective Forest Service or BLM land-use planning process.

Critics call this bill extreme. They declare passage would result in unchecked development and an ecological disaster.

There is nothing extreme about following non-wilderness recommendations. There is nothing extreme about local stakeholders participating in the planning process. There is nothing extreme about land returning to the Forest Service or BLM land-use planning process. And there is nothing extreme about proactively managing forests impacted by the Mountain Pine Beetle. One of the biggest roadblocks in Wyoming to any management activity for the Pine Beetle is the 2001 Roadless Rule.

The fact is this is a common sense bill. Opponents want to rewrite history. They want to pretend Congress designated wilderness with the passage of Federal Land



Policy Management Act. They want to maintain the do-nothing status quo. They want to prevent local stakeholders and land management agencies from making land-planning decisions, and they are obstructing healthy forest management.

Former Secretary Babbitt has stated those who support this bill are operating in the shadows. I disagree. Those who support this bill are standing in the sunshine. I am here in a public setting, advocating for public participation in land management.

This is in stark contrast Mr. Chairman to the secretive events creating the Grand Staircase-Escalante National Monument in your home state of Utah, and announced from Arizona. This is in stark contrast to last year's leaked "Treasured Landscapes" internal effort by Department of Interior officials. This is in stark contrast to the December 23rd 'Wild Lands' announcement. The day before Christmas Eve, the phone access code for the BLM's 'Wild Lands' call was wilderness.

Mr. Chairman, this legislation is not in shadows, but in the light of day. This Act is good land management policy. It does not dictate what will or will not happen on the released lands. Rather, it returns management to the respective agencies. It provides them the flexibility to manage our public lands for a multitude of activities. More importantly, it gives local Americans, those who live, work, and play on public lands a voice.

I fully support this legislation and commend Representative McCarthy for his leadership on this issue. Thank you Mr. Chairman for the opportunity to testify.

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Mr. BISHOP. Thank you, Senator. Representative Pearce is the Chairman of the Western Caucus here. We will be pleased to hear from you now.

**STATEMENT OF HON. STEVE PEARCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO**

Mr. PEARCE. Thank you, Mr. Chairman, Ranking Member Grijalva, and members of the Subcommittee. We appreciate you holding the hearing on H.R. 1581 today, the Wilderness and Roadless Area Release Act of 2011. I appreciate Mr. McCarthy's leadership in bringing that forward. As Chairman of the Congressional Western Caucus, I am proud to be an original cosponsor of this legislation. As we are speaking, large areas of the West continue to burn. These fires burn hotter and faster than they ever have in years past. This endangers the life of humans, plants, animals, and destroys any possibility of species benefitting from the forest.

The fires are burning because of the management of our public lands, decades of trees have been allowed to accumulate as fuels and now Mother Nature has shut off the water, and the drought plus the explosive loads of fuels in our forests are causing the fires. The West is very familiar with wilderness designations, and my district knows them as well as any other. One of the first declared wilderness areas under the 1964 Wilderness Act, the Gila Wilderness, is in my district.

While I do not oppose the designation of wilderness in areas that qualify by the strict definitions of the 1964 Act, it is a costly decision that the Federal Government continues to treat millions of acres that do not qualify and it treats them as defacto wildernesses. For example, a wilderness area is defined as an area of undeveloped Federal land that generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable, this is according to the text of the Act.

The Gila fits this definition. However, as with other areas throughout the West there are wilderness study areas within my

district that do not meet this criteria by this definition, but they are being managed by the Wilderness Act. The WSA in Doña Ana County, for example, the Robledo Mountains WSA is deemed unsuitable for wilderness because of frequent motorized vehicle use and air traffic from Las Cruces International Airport, but it is being still managed as wilderness. The Sierra de las Uvas WSA is considered unsuitable due to off-road vehicle use. 20 years later both of these WSAs are still governed by the same regulations as actual wilderness, despite the Department of the Interior deeming them unsuitable.

This means that no chainsaws can be used to clear underbrush and dead timber for fire prevention. Trucks cannot come in to haul off material that can set these areas ablaze. Last week 4,500 acres of the Gila Wilderness burned due to lightning, and the fire crews had difficulty navigating the rugged terrain of the wilderness to actually fight the fires. While much of the West continues to burn, how much sense does it make to keep unsuitable areas under such restrictive regulation?

These areas are tinderboxes just waiting for a lightning strike or some other spark to ignite conflagration. This story plays out time and time again across the West. It makes much more sense to release these WSAs than to just keep them in this constant state of limbo. Releasing them will keep them under Federal ownership and opens them up to the same management practices available on other Federal lands. This will allow the various Federal agencies to conduct proper land management to prevent the spread of wildfires and to keep these lands healthy for both people and animals to enjoy.

Preventing us from releasing these WSAs only keeps us from implementing common sense solutions that can keep our forests thriving and maintaining thriving habitats that actually benefit wildlife. The way to do this is to move these WSAs into the multiple use category. Some people hear multiple use and think that it leads to degradation of the environment. It does not. It maintains a proper balance to keep the forest and other natural areas alive, it maintains a healthy wildlife balance, plus it can lead to economic growth through managed timber harvesting.

When we consider the area of Roadless Rules, recently our district was host to a large public meeting. The Forest Service had claimed they had public meetings talking about declaring the Roadless Rules in the Gila National Forest. Keep in mind that the Gila Wilderness is almost a million acres right next door to the almost 2 million acres of National Forest. The Roadless Rule was going to create almost 3 million acres of defacto wilderness in one area of our state.

Now the agency had described public meetings in which they had gotten all the public input they got. But when we advertised for a week that the Forest Service was talking about eliminating people out of 95 percent of the Gila National Forest we had 800 people show up on a weekend to testify and to say enough is enough. 95 percent of that forest would be unavailable to anyone, much less people with disabilities. If you Google the word "roadless" and U.S. Forest Service, the first pages that come up deal with stopping timber. This is the agenda of the Roadless Rule and the U.S. Forest

Service. Let us release these areas and get common sense management. And I yield back.

[The prepared statement of Mr. Pearce follows:]

**Statement of The Honorable Steve Pearce, a Representative in Congress  
from the State of New Mexico**

Chairman Bishop, Ranking Member Grijalva, and Members of the Subcommittee: thank you for holding this hearing today on H.R. 1581, Wilderness and Roadless Area Release Act of 2011. As Chairman of the Congressional Western Caucus, I am proud to be an original cosponsor. At no point in time has legislation like this been more important. As we speak, large portions of the west continue to burn. And these fires burn hotter and faster than they have in years past. This endangers the lives of humans, plants and animals, and destroys any possibility of any species benefiting from the forest.

The West is very familiar with wilderness designations, and my district knows them better than any other. One of the first declared wilderness areas under the 1964 Wilderness Act, the Gila Wilderness, is in my district. While I do not necessarily oppose the designation of wilderness in areas that qualify by the strict definitions of the 1964 Act, it is absurd that the federal government continues to treat millions of acres that do not qualify as de facto wilderness. For example, a wilderness area is defined as an area of undeveloped federal land that “generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable”, according to the text of the Act. The Gila fits this definition.

However, as with other areas throughout the West, there are Wilderness Study Areas (WSAs) within my district that do not meet the criteria of this definition, according to the Department of the Interior’s New Mexico Wilderness Study Report from 1991, which is the last comprehensive study of WSAs. In Doña Ana County, for example, the Robledo Mountains WSA is deemed unsuitable because of frequent motorized vehicle use and air traffic from Las Cruces International Airport. The Sierra de Las Uvas WSA is also considered unsuitable due to off-road vehicle use. 20 years later, both of these WSAs are governed by the same regulations as actual wilderness, despite the Department of the Interior deeming them unsuitable. This means that no chainsaws can be used to clear underbrush and dead timber for fire prevention. Trucks cannot come in to haul off material that can set these areas ablaze. Last week 4,500 acres of the Gila Wilderness burned due to lightning, and fire crews had difficulty navigating the rugged terrain of the wilderness to actually fight the fires. While much of the West continues to burn, how much sense does it make to keep unsuitable areas under such restrictive regulations? These areas are tinderboxes, just waiting for a lightning strike or some other spark to ignite a conflagration. This story plays out time and time again across the West.

It makes much more sense to release these WSAs than to just keep them in this constant state of limbo. Releasing them will keep them under federal ownership, and opens them up to the same management practices available on other federal lands. This will allow the various federal agencies to conduct proper land management to prevent the spread of wildfires, and keep these lands healthy for both people and animals to enjoy. Preventing us from releasing these WSAs only keeps us from implementing commonsense solutions that can keep our forests thriving, and maintain thriving habitats that actually benefit wildlife. The way to do this is to move these WSAs into the Multiple Use category. Some people hear Multiple Use and think that it leads to degradation of the environment. It does not. It maintains a proper balance to keep the forests and other natural areas alive. It maintains a healthy wildlife balance. Plus, it can lead to economic growth through managed timber harvesting.

Similarly, in 1979, the Forest Service recommended that 36 million acres of Inventoried Roadless Areas (IRAs) in its last comprehensive study of roadless areas, known as the Roadless Area Review and Evaluation II (RARE II). In RARE II, the Forest Service recommended 36 million acres of IRAs are not suitable for wilderness designation, about the size of the state of Michigan. Nearly 1.2 million acres in New Mexico are not suitable, which equates to the state of Delaware. This bill would lift the restrictive practices on these giant tracts of land that put the welfare and livelihood of the West at risk, and preclude job creation.

Another positive benefit of releasing these WSAs will be in our watersheds. Overgrown forest areas dry out our aquifers and rivers, leaving the West ready to burn, and cutting off needed water for our communities to use for basic services, including fire fighting.

I am proud to be here today as an original cosponsor of this important piece of legislation, and urge my colleagues to support it. H.R. 1581 is good for the West and good for America. It will allow more Americans to enjoy our federal lands, and allow us to actually protect the habitats of wildlife through proper land management. Again, I think the Chairman and Ranking Member for conducting this hearing today, and I look forward to answering your questions.

Mr. BISHOP. Thank you, Congressman Pearce. Once again you are welcome to stay with us throughout the entire, to join us on the dais when you wish to. Mr. Abbey, and also once again if you need a little bit more time to come in on both bills, feel free to use that as well. You are recognized.

**STATEMENT OF ROBERT V. ABBEY, DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR**

Mr. ABBEY. I appreciate that, Mr. Chairman, and again it is a pleasure to appear before this Subcommittee and to speak to the members of this group. I appreciate the opportunity to testify on H.R. 1581 as well as H.R. 2578. The Bureau of Land Management opposes H.R. 2578, which would for the first time de-designate a segment of the river previously designated by Congress as a Wild and Scenic River, and would inundate additional portions of that river possibly affecting up to three Bureau of Land Management-managed areas of critical environmental concerns.

We recommend that an assessment of the impacts be performed prior to the Congress passing this legislation, so that we fully understand the true impacts of the inundation on the values of the river and adjacent areas of critical environmental concern. Among potential resource implications of this inundation are habitat loss for protected and threatened species, also significant cultural and historic resources in the area, including the Yosemite Valley Railroad and historic goldmine sites would likely be degraded or destroyed.

I would like to spend the remainder of my time discussing H.R. 1581. The Administration strongly supports the constructive resolution of wilderness designations and wilderness study areas release on public lands across the United States. However, the Administration opposes H.R. 1581 which would unilaterally release 6.6 million acres of wilderness study areas. H.R. 1581 is a one-size-fits-all approach that fails to reflect local conditions and community-based interests. It is kind of like using a 30-06 to shoot a small rabbit. It is much more of a weapon than is needed, and there is not a lot of meat left on that rabbit after you shoot it.

Section 603 of the Federal Land Policy and Management Act of 1976 directed the Bureau of Land Management to identify areas with wilderness characteristics. This inventory was completed in 1980. The Bureau of Land Management identified over 800 wilderness study areas in that process, encompassing over 26 million acres of BLM-managed lands. Each of these wilderness study areas met the criteria for wilderness designation established by the Wilderness Act.

Today approximately 12.8 million acres of the original 26 million acres remain as wilderness study areas and are awaiting final Congressional resolution. The second step of the process was to study each of the wilderness study areas and make a recommendation to

the President on the suitability or unsuitability of each area. The central issue addressed by the studies was not to determine whether or not areas possess wilderness characteristics. That fact had been previously established through the inventory process.

Rather, the question asked was, was this area more suitable for wilderness designation or more suitable for non-wilderness uses? Among the elements considered at that time were mineral surveys, conflicts with potential uses, manageability, public opinion, and a host of other elements. The process was not a scientific one by any means, but rather a consideration of various factors to reach a recommendation.

These recommendations are now over 20 years old, and the only ground work associated with them is as much as 30 years old. In that time resource conditions have changed, our understanding of mineral resources has changed, and public opinion has changed. If these suitability recommendations were made today, many of them would be different. A blanket release of lands from wilderness study area status that is based on data that is over 30 years old does not allow for meaningful review of these lands or their resource values in today's society.

The status of wilderness study areas need to be resolved, but in the interim they should be continued to be managed to keep Congressional options open. Mr. Chairman, you can bet I am just as frustrated as many members of your Subcommittee as to how long it is taking for us to determine which of these wilderness study areas should be designated as wilderness and which ones should be released for other purposes. The answer is to move forward in the footsteps of Washington County, Utah, and Owyhee County, Idaho, and so many other collaborative efforts, not to seek an all encompassing solution to a complex issue.

America's wilderness systems include many of the nation's most treasured landscapes and ensure that these untrampled lands and resources will be passed down from one generation of Americans to the next. Through our wilderness decisions we demonstrate a sense of stewardship and conservation that is uniquely American and is sensibly balanced with the other decisions that we make that affect public lands. These decisions should be thoughtfully made and considered, not the result of a one-size-fits-all edict. Resolution and certainty will serve all, and this Administration stands ready to work cooperatively with Congress toward that end.

[The prepared statements of Mr. Abbey follow:]

**Statement of Robert V. Abbey, Director, Bureau of Land Management, U.S. Department of the Interior, on H.R. 1581, Wilderness and Roadless Area Release Act of 2011**

Thank you for the invitation to testify on H.R. 1581, the Wilderness and Roadless Area Release Act. The Administration strongly supports the constructive resolution of wilderness designation and Wilderness Study Area (WSA) release issues on public lands across the western United States. However, the Administration strongly opposes H.R. 1581 which would unilaterally release 6.6 million acres of WSAs on public lands. H.R. 1581 is a top-down, one-size-fits-all approach, that fails to reflect local conditions and community-based interests regarding WSAs managed by the Department of the Interior.

Much as the Department of the Interior would oppose a blanket designation of all WSAs as wilderness, we oppose this proposal to release over 6.6 million acres of WSAs from interim protection. We encourage Members of Congress to work with local and national constituencies on designation and release proposals, and the Bu-

reau of Land Management (BLM) stands ready to provide technical support in this process. Public Law 111–11, the Omnibus Public Land Management Act of 2009, serves as an excellent model for wilderness designation and WSA release decisions thoughtfully conceived and effectively implemented.

The Department of the Interior defers to the Department of Agriculture on provisions of the bill affecting lands managed by the U.S. Forest Service.

### **Background**

In 1976, Congress passed the Federal Land Policy and Management Act (FLPMA), which provides a clear statement on the retention and management of lands administered by the BLM. Section 603 of FLPMA provided direction under which the BLM became a full partner in the National Wilderness Preservation System established by the Wilderness Act of 1964.

The first step of the Section 603 process, to identify areas with wilderness characteristics, was completed in 1980. The BLM identified over 800 WSAs encompassing over 26 million acres of BLM-managed lands. Each of these WSAs met the criteria for wilderness designation established by the Wilderness Act: sufficient size (5,000 roadless acres or more), as well as naturalness, and outstanding opportunities for solitude or a primitive and unconfined type of recreation. Today, approximately 12.8 million acres (545 units) of the original 26 million acres remain as WSAs and are awaiting final Congressional resolution. Section 603(c) of FLPMA directs the BLM to manage all of these WSAs “in a manner so as not to impair the suitability of such areas for preservation as wilderness. . .” WSAs are managed under the BLM’s “Interim Management Policy for Lands Under Wilderness Review.”

The second step of the process, begun in 1980 and concluded in 1991, was to study each of the WSAs to make a recommendation to the President on “the suitability or nonsuitability of each such area or island for preservation as wilderness. . .” The central issue addressed by the studies was not to determine whether or not areas possessed wilderness characteristics, this fact had been previously established. Rather the question asked was “is this area more suitable for wilderness designation or more suitable for nonwilderness uses?” Among the elements considered were: mineral surveys conducted by the U.S. Geological Survey and Bureau of Mines, conflicts with other potential uses, manageability, public opinion, and a host of other elements. This process was not a scientific one, but rather a consideration of various factors to reach a recommendation. Between July 1991 and January 1993, President George H. W. Bush submitted these state-by-state recommendations to Congress.

These recommendations are now 20 years old, and the on-the-ground work associated with them is as much as 30 years old. During that time in a number of places, resource conditions have changed, our understanding of mineral resources has changed, and public opinion has changed. If these suitability recommendations were made today, many of them would undoubtedly be different.

### *Examples of Recent Designations*

Examples abound of WSAs recommended nonsuitable which Congress later designated as wilderness after careful review, updated analysis, and thoughtful local discussions. A number of such designations were incorporated into Public Law 111–11, the Omnibus Public Land Management Act of 2009, which designated over 900,000 acres of new BLM-managed wilderness and also released well over 250,000 acres from WSA status.

The Granite Mountain Wilderness designated by P.L. 111–11 is located east of Mono Lake in central California. In 1991, the entire WSA was recommended nonsuitable in large part due to reports of high potential for geothermal resources. Subsequent reviews of mineral potential, including several test wells on nearby lands, showed a low potential for geothermal resources. In 2008, the BLM provided testimony in support of Representative Buck McKeon’s legislation, H.R. 6156, designating the Granite Mountain Wilderness.

P.L. 111–11 also included broad-scale wilderness designation and WSA release in Utah’s Washington County and Idaho’s Owyhee County. Both of these successful efforts were the result of hard work by the local Congressional delegations, working with local elected officials, stakeholders, and user groups along with technical support from the BLM. They did not rely on decades old suitability studies, but rather sought common ground and comprehensive solutions to specific land management issues. In Owyhee County, what was once 22 individual WSAs is now over half a million acres of wilderness in six distinct wilderness areas, as well as nearly 200,000 acres of released WSAs. Many acres the BLM recommended nonsuitable in 1992 were designated; likewise acres recommended suitable were released by the legislation.

Similarly, the Northern California Coastal Wild Heritage Wilderness Act, P.L. 109-362, designated a number of wilderness areas in northern California, including Cache Creek Wilderness located 60 miles northwest of Sacramento in the Northern Coast Range. Cache Creek WSA was recommended nonsuitable in 1991 due in large part to the presence of 550 mining claims within the area. Fifteen years later, when designating legislation was proposed, all of these claims had been abandoned due to the area's low mineral potential.

Numerous other examples exist, but suffice it to say, every situation with every WSA is distinct and deserves to be examined individually in a congressionally-driven process involving local and national interests and a wide range of stakeholders. This process should place stronger emphasis on current resource conditions and opportunities for protection, than on decades old recommendations. The Wilderness Act and FLPMA put the responsibility for wilderness designation and release squarely with Congress. It is an awesome responsibility, which has in the past, and must in the future, be carefully discharged.

#### **H.R. 1581**

H.R. 1581(section 2) provides that BLM-managed WSAs which were recommended "nonsuitable" have been adequately studied for wilderness designation, and are released from the nonimpairment standard established in section 603(c) of FLPMA. This section further provides that these released lands are to be managed consistent with the applicable land use plan and that the Secretary may not provide for any system-wide policies that direct the management of these released lands other than in a manner consistent with the applicable land use plan. Finally, section 2(e) provides that Secretarial Order 3310 (Wild Lands Order) shall not apply to these released lands.

The Administration strongly opposes section 2 of H.R. 1581. A blanket release of lands from WSA status does not allow for a meaningful review of these lands and their resource values. Every acre of WSA should not be designated as wilderness; neither should 6.6 million acres of WSAs be released from consideration without careful thought and analysis.

The status of WSAs needs to be resolved but in the interim they should continue to be managed to keep Congressional options open. I share the frustration of many Members of Congress that resolution has taken much too long. The answer is to move forward in the footsteps of Washington County, Utah and Owyhee County, Idaho, and so many other collaborative efforts reflected in Public Law 111-11, not to seek an all encompassing solution to a complex issue.

We concur with the bill's approach in section 2(c) that lands released from interim protection, which we would hope would take place in a thoughtful process in the context of overall wilderness designation and release legislation, should be managed consistent with local land use plans. It is the local planning process through which the BLM makes important decisions on management of these lands, including, among other things, conventional and renewable energy production, grazing, mining, off-highway vehicle use, hunting, and the consideration of natural values.

#### **Conclusion**

America's wilderness system includes many of the Nation's most treasured landscapes, and ensures that these untrammeled lands and resources will be passed down from one generation of Americans to the next. Through our wilderness decisions, we demonstrate a sense of stewardship and conservation that is uniquely American and is sensibly balanced with the other decisions we make that affect public lands. These decisions should be thoughtfully made and considered, not the result of a top-down, one-size-fits-all edict. Resolution and certainty will serve all parties—including the conservation community, extractive industries, OHV enthusiasts and other recreationists, local communities, State government, and Federal land managers. The Administration stands ready to work cooperatively with Congress toward that end.

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#### **Statement of Robert V/Abbey, Director, Bureau of Land Management, U.S. Department of the Interior, on H.R. 2578, Amends the Wild and Scenic Rivers Act for the Lower Merced Wild & Scenic River**

Thank you for inviting me to testify on H.R. 2578, a bill amending the Wild and Scenic Rivers Act (Act) to reduce the length of the Merced River which is designated as a component of the National Wild and Scenic Rivers System, while increasing the allowed level of Lake McClure in central California. H.R. 2578 would, for the first time, de-designate a segment of river previously designated by Congress. The Wild and Scenic Rivers Act prohibits the Federal Energy Regulatory Agency (FERC)

from licensing any project works “on or directly affecting any river which is designated” as Wild & Scenic. H.R. 2578, by removing the Wild and Scenic designation of this segment of the Merced River, would enable the FERC to consider the relicensing of FERC hydroelectric project No. 2179. The Department of the Interior believes such precipitous action deprives the public of the opportunity to evaluate the potential loss of the wild and scenic values previously accorded to the River and opposes H.R. 2578.

### **Background**

Section 1 of the 1968 Wild and Scenic Rivers Act (Public Law 90-542) sets forth Congress’ vision for management of the Nation’s rivers:

“It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or section thereof in their free-flowing condition to protect the water quality for such rivers and to fulfill other vital national conservation purposes.”

From its headwaters in the snow-fed streams of the Yosemite National Park high country, the Merced plunges thousands of feet through boulder lined canyons before emptying into Lake McClure. Over 122 miles of the Merced River in central California have been designated by Congress as components of the National Wild and Scenic River System.

In 1992, Public Law 102-432, extended the previously designated Merced Wild and Scenic River by an additional eight miles to the 867 feet spillover level of Lake McClure. The Bureau of Land Management (BLM) manages the upper five miles as a recreational river and the lower three miles as a wild river. Under the provisions of P.L. 102-432, the level of Lake McClure may not exceed an elevation of 867 feet above mean sea level, a level intended to balance water and power needs of the local community with protection of the outstanding remarkable values of the lower Merced River.

The lower Merced River is noted for having some of the most outstanding scenery and whitewater boating opportunities in California and the nation. Every summer over 10,000 whitewater enthusiasts test their skills on the river. The BLM currently permits 12 commercial businesses, which guide most of these recreationists on this section of the Merced River.

The communities of Mariposa and El Portal benefit from these whitewater boaters who contribute to the local tourism economies. Boaters generate important economic activity during the traditionally lower visitation times of spring and early summer, expanding the length of the Yosemite region tourism season. This river-dependent tourism provides a greater level of economic and employment stability for these communities.

### **H.R. 2578**

H.R. 2578 is a short bill with unprecedented effects. The full implications of H.R. 2578 are not clear. Before the Committee takes action on the legislation, the BLM recommends that the impacts of de-designation and inundation to the values of the Merced River that BLM manages as part of the Wild and Scenic River System be fully analyzed through the lens of the agency entrusted with management of its values and resources, which would also include an opportunity for public comment.

Potential impacts from inundation could be substantial to both natural resources and local economies. H.R. 2578 reduces the current designated segment of river from 8 miles to 7.4 miles and changes the water surface level of Lake McClure from 867 feet mean sea level to the current Federal Energy Regulatory Commission (FERC) project boundary at 879 feet. The result of the increase in the FERC project boundary is likely an approximately one and one-quarter mile inundation, likely resulting in still water conditions, over half a mile of which will impact the remaining Merced Wild and Scenic River System.

Among the potential resource implications of this inundation are habitat loss for both the limestone salamander (a California designated Fully Protected Species) and the elderberry longhorn beetle (a federally listed threatened species under the Endangered Species Act). Portions of the BLM Limestone Salamander Area of Critical Environmental Concern and the BLM Bagby Serpentine Area of Critical Environmental Concern would be flooded. Inundation would include the destruction of thou-



sands of individual BLM sensitive listed plants and their seed banks. Habitat for the yellow-legged frog, a BLM sensitive species, would be inundated from reservoir levels backing up and into the Sherlock Creek drainage. Impacts would also include loss of riparian vegetation and degradation of the scenic values of the corridor. Additionally, significant cultural and historic resources in the area, including the remains of the Yosemite Valley Railroad and historic gold-mining sites would be degraded.

A variety of recreation activities within the river corridor could also be impacted by the legislation. For whitewater boaters, inundation would add another one and a quarter miles to an already arduous paddle across flat water to an alternate take-out. In addition to boaters, the canyon is becoming increasingly utilized as a recreational destination for hikers, mountain bikers, and equestrian riders who could be displaced by a likely inundation of five miles of the existing Merced River trail.

H.R. 2578 would, for the first time, weaken the Wild and Scenic Rivers Act by de-designating a segment of a river and allowing for the inundation of portions of the remaining Wild and Scenic River, and could set a troublesome precedent. Such an unprecedented action would result in a wild river segment becoming more like a lake than a river and could compromise the integrity of the Wild and Scenic River System, the purpose of which is to preserve rivers in their "free-flowing condition."

#### **Conclusion**

Before further action is taken on H.R. 2578, the BLM recommends that all of these implications of de-designation of Wild and Scenic River and changes to the level of Lake McClure be more fully explored. The Department believes the values for which Congress initially designated the Merced Wild and Scenic River should not be sacrificed without a full analysis through the prism of the BLM.

Thank you for the opportunity to testify.

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Mr. BISHOP. Thank you. You got both bills in within five minutes, congratulations, I am impressed. Mr. Sherman, I apologize for forgetting your name at the very beginning, I am old, I am gray, it is going to happen a lot.

Mr. SHERMAN. Me too.

Mr. BISHOP. The Under Secretary for Agriculture and Natural Resources Environment. Same thing, we recognize you for five minutes, if you wish to talk about both bills we can fudge around with the time.

#### **STATEMENT OF HARRIS SHERMAN, UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT, U.S. FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE**

Mr. SHERMAN. OK, thank you very much, Mr. Chairman. I appreciate the chance to discuss H.R. 1581, the 2001 Roadless Rule, and general considerations about both. At the outset I would like to clarify that the President and Secretary Vilsack strongly support roadless values in our National Forest and the 2001 Rule. The 2001 Rule is important for a variety of reasons. These are large, intact, unfragmented lands, they constitute about 2 percent of the landmass of the United States, and they are critically important in protecting a number of key values.

Over 20 percent of Americans, some 66 million Americans, get their drinking water from our National Forests. Over 300 municipal water districts have roadless areas within their watersheds. Roadless areas save these communities millions of dollars within their watersheds through the treatment that is provided naturally by these forests. As a former water commissioner in the City and County of Denver, I can tell you that these roadless areas were very important for the city and its future water supplies.

Roadless areas provide also key habitat for 25 percent of the nation's threatened and endangered species. These areas provide habitat for 65 percent of candidate species and species of conservation concern, these are species that we clearly want to keep off the threatened and endangered list. Roadless areas provide a bulwark against the spread of nonnative invasive species, which is a growing serious problem in the West and throughout the country.

And roadless areas are heavily relied upon for disbursed recreation by hunters, fishermen, sportsmen, hikers, campers, snowmobilers, bikers. In our National Forest System we have some 110 million Americans that engage in disbursed recreation activities where roadless areas are critically important to them, and in turn these activities help support communities and help to provide jobs.

Now while providing these key values, roadless areas also have a certain amount of flexibility in accommodating other users and needs. Let me give you a few examples. Forest restoration work, including the thinning and the clearing of timber, can occur within roadless areas to reduce fire risk and hazardous fuels. Under certain circumstances hydroelectric facilities are authorized under the 2001 Rule. Projects under the 1872 Mining Act are allowed to proceed. Mechanized and motorized activities can occur in roadless areas.

Since 2001 and the establishment of the Roadless Rule, we have seen a decrease in the amount of litigation that has occurred on National Forests. Before 2001 many decisions that involved roadless areas became a flashpoint for litigation and strained the relationship between stakeholders. Since the 2001 Rule I think it is fair to say there has been more collaboration between stakeholders, concerning forest restoration and concerning timber production.

Our Forest Service personnel are now focusing more on projects that have the chance of proceeding, and we are pursuing larger landscape scale projects. Let me also say that the 2001 Rule allowed us to focus our limited road funds on maintaining existing roads. The Forest Service has some 370,00 miles of roads within its boundaries, which is eight times what the Interstate Highway System has. Our current budget allows us only to handle a fraction of the maintenance associated with the current road system.

To build new roads in roadless areas would be very expensive. These are far away areas, they often are in difficult terrain, they are very costly, and they would quickly eat up the limited budget that we have. We do not think this is a wise use of our limited resources. So for these reasons and others we oppose H.R. 1581 and I would be happy to answer any questions. Thank you.

[The prepared statement of Mr. Sherman follows:]

**Statement of Harris Sherman, Under Secretary for Natural Resources and Environment, United States Department of Agriculture, on H.R. 1581, the Wilderness and Roadless Area Release Act of 2011**

Thank you for the opportunity to provide the Department of Agriculture's views on H.R. 1581, the Wilderness and Roadless Area Release Act of 2011. I am Harris Sherman, Under Secretary for Natural Resources and Environment at the Department of Agriculture.

H.R. 1581 would direct that the provisions of the 2001 Roadless Area Conservation Final Rule and the 2005 State Petitions for Inventoried Roadless Area Manage-

ment Final Rule are no longer applicable to inventoried roadless areas within the National Forest System (NFS), except those that are recommended for designation as wilderness and have been designated as wilderness by Congress prior to the enactment of this bill, and would direct that such lands be managed according to the applicable land and resource management plan instead. The bill would also prohibit the Secretary of Agriculture from issuing any system-wide regulation or order that would direct management of the lands released by this bill in a manner contrary to the applicable land and resource management plan. We defer to the Secretary of the Interior to provide views on the provisions in the bill relating to the release of public lands managed by the Bureau of Land Management.

The President and the Secretary strongly support roadless values and the 2001 Roadless Rule. By making the 2001 Roadless Rule's provisions inapplicable to inventoried roadless areas, and by precluding the Secretary from establishing any other system-wide management direction for such lands, this bill would undermine the ability of the Forest Service to carry out its responsibilities for conserving critical resource values. It would also subject local forest management efforts to increased conflict, expense and delay, as disputes about roadless area protection are reopened and replayed from one project proposal to the next, drawing limited capacity away from other efforts that could elicit broader support and deliver more benefits to rural communities. For these reasons, the Administration strongly opposes this bill.

Roadless areas play an important role in preserving water, biodiversity, wildlife habitat, and recreation opportunities including hunting and fishing; that's why they are an integral part of the Secretary's vision for America's forests. As development continues to fragment landscapes and watersheds around the nation, the remaining large tracts of undeveloped land represented by inventoried roadless areas are increasingly critical in protecting these values.

Roadless areas cover all or part of over 300 municipal watersheds in the U.S., supplying clean and abundant drinking water for millions of Americans. Maintaining them in a relatively undisturbed condition saves downstream communities millions of dollars in water filtration costs. Roadless areas support biodiversity by contributing habitat for approximately 25% of all Federally listed threatened and endangered animal species and 65% of species identified as needing protection in order to avoid such listing. They protect landscapes and resource commodities by serving as a bulwark against the spread of nonnative invasive species. They provide important backcountry experiences for elk hunters, mule deer hunters, trout fisherman and other sportsmen and women. And they provide countless opportunities for other forms of recreation, including hiking and camping, biking, kayaking, snowmobiling, and more. These recreation opportunities connect people to the great outdoors, and support outdoor recreation and tourism businesses important to local economies.

The 2001 Roadless Area Conservation Rule strengthens the Secretary's ability to protect these values by prohibiting road construction and timber harvesting that may result in long-lasting impacts on roadless area characteristics. However, the Rule also provides important flexibility to permit beneficial management activities and allow the Agency to address issues of importance for public health and safety. For example, roads may be constructed, reconstructed or realigned in order to protect public health and safety, provide access to reserved or existing rights including for mining or oil and gas leases, conduct actions under CERCLA, or prevent resource damage from existing roads. Timber may be cut, sold and removed where needed to reduce the risk of uncharacteristic wildfire effects, improve habitat for threatened and endangered species, maintain or restore ecosystems, or provide for administrative or personal use including firewood collection, or where the removal is incidental to a management activity not prohibited by the rule or there was substantial alteration of an area in the inventory prior to January 12, 2001. Furthermore, the 2001 Rule places no restrictions on any form of motorized or non-motorized use.

Recent examples of projects that would meet the provisions described in the 2001 Rule include forest restoration work to reduce fire hazard near towns throughout the West; hydroelectric facility developments in Alaska that provide electricity for Sitka, Petersburg, Wrangell, Ketchikan, Upper Lynn Canal, and Hoonah; development of an aerial tram recreational facility in Ketchikan, Alaska; access roads that provide access to State Forest lands in Minnesota; clean-up activities at the Monte Cristo and Azurite mines in Washington; realignment of roads to reduce erosion effects in Montana, Alaska, Wyoming, and Utah; permits to drill methane vents to provide for worker safety at the Oxbow mine in Colorado; and mineral explorations under the 1872 General Mining Law in Utah, Nevada, Montana, Washington, and Alaska.

In addition to providing a flexible framework that protects resource values while permitting important forest management activities at the local level, the 2001 Rule

allows local managers and stakeholders to focus on projects that have broader support and greater promise for delivering real benefits to communities. Previously, proposals for projects in roadless areas were often accompanied by acrimonious procedural battles requiring studies, appeals and litigation whose costs exceeded the value of any project benefits. We now see more collaborative relationships bearing fruit on individual forests in the form of stewardship contracts, landscape restoration projects, hazardous fuels reduction efforts, and other important activities, reflecting a broader zone of agreement than seen in decades about the need for a healthy forest products industry to support the infrastructure for maintaining and restoring healthy forest landscapes. If this bill becomes law, successes such as these could become a thing of the past as we return to the pre-2001 mode of legal challenges to individual projects proposed in roadless areas.

We note that Idaho and Colorado have both petitioned for rulemaking, under the Administrative Procedure Act (P.L. 79-404), to establish state-specific roadless area management direction. In the case of Idaho, we believe the rule there is on balance comparable or even more protective than the 2001 Roadless Rule. Likewise, in Colorado, the proposed rule is comparable or more protective on balance than the 2001 rule. Idaho's rule was completed in 2008, while the public comment period on Colorado's proposed rule closed on July 16, 2011. Since much of the roadless area covered by the two state petitions is included in the inventory that would revert to applicable forest plan direction under the bill, we are concerned about how the legislation would impact these respective state efforts.

We also note that there are multiple cases involving the 2001 Rule that have come before the Federal courts, including the following three: a California district court decision and Ninth Circuit appeal ruling that reinstated the 2001 Rule within the Ninth Circuit and New Mexico; a Wyoming district court decision, which we have appealed to the Tenth Circuit, that enjoins the agency from applying the 2001 Rule nationwide; and an Alaska district court decision that overturns a regulatory exemption for the Tongass National Forest and reinstates the 2001 Rule in that location. The Department has issued interim direction reserving to the Secretary the authority to approve or deny projects in inventoried roadless areas on a case-by-case basis.

In closing, the Administration strongly opposes H.R. 1581 because its prohibition on applying the 2001 Rule or any other system-wide management direction for an entire category of lands would compromise roadless area protections and hamper the Forest Service's ability to carry out its responsibilities, ultimately undermining the agency's ability to protect our Nation's forests while delivering benefits to rural communities.

This concludes my statement. I would be pleased to answer any questions that you may have.

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Mr. BISHOP. Thank you. You did it within the five minutes as well and you actually were 15 seconds faster than Abbey, so congratulations with that. With that, that is right, so actually, never mind. With that we are open for questions either for Mr. Abbey or for Mr. Sherman, or Congressman Pearce can answer questions at this time on this particular panel. I am going to ask the Ranking Member if he wishes to go first with any questions for these three.

Mr. GRIJALVA. Thank you very much. Just a couple. I think the first one to all the panelists is a general question, that there are currently about 10 million acres of public land that the Departments of Agriculture and Interior have recommended for wilderness designation. Some of these recommendations have been waiting for decades here in Congress for action. If we were to follow the logic of the legislation, which is still questionable, if we were to follow the logic, then we would be releasing land and the recommendations not to designate certain lands as wilderness would be followed, but at the same time the agencies have recommended those 10 million acres for designation. And my question is if we were to follow that, if we are really following what the agency did in terms of recommendations wouldn't it be a good thing to do the

wilderness designations as part of the package? And it is not in the legislation, but it is a question.

Mr. ABBEY. Well, Congressman, let me take the first stab at it and let me first respond to the Chairman's statement why Harris took 15 seconds less than my statement, he doesn't have the Southern accent so he can speak faster. But I will say that the inventories and studies that form the Bureau of Land Management's recommendations regarding wilderness study areas are now 20 and 30 years old. It doesn't matter whether or not we had recommended these areas as unsuitable or suitable. I do think it is important that we go back and assess each of these areas through localized bills or smaller bills so that we can deal with these wilderness issues on a case-by-case basis.

Mr. SHERMAN. I might just add that as we do our forest plans throughout the country we will recommend certain wilderness designation for portions of those lands if they are suitable, but we bring that recommendation back to Congress and it is up to Congress to make the decision as to whether it wishes to include it in the wilderness system.

Mr. GRIJALVA. Thank you. Mr. Abbey, and correct these figures for me if I am wrong, but only 1 percent of BLM lands in the Rocky Mountains is protected as wilderness with that designation, and just 8 percent is currently WSA. Yet over 42 percent is currently under lease for oil and gas industry, and so we heard a lot about a balanced approach, so my question is that a balanced approach? Furthermore, the lands under lease, only about 22, 23 percent are actually in production. So it begs the question, does the industry really need more lands when it is already sitting on a bunch of leased land with approval permits to drill and is not drilling? So the balance question which we have heard a lot about, and if you wouldn't mind responding to that?

Mr. ABBEY. Congressman, right now we have almost 40 million acres under lease for oil and gas. Of those 40 million acres we have 12.4 million acres that are actually in production. In this Fiscal Year alone, 2011, we have leased, the Bureau of Land Management has leased 650,000 acres for oil and gas. We have also made another 6,400 acres available for lease under coal and we have dedicated 40,000 acres that we have approved for solar, wind, and geothermal projects. We are trying our best to bring some balance back to multiple use. We believe conservation is a component of multiple use management.

Mr. GRIJALVA. Thank you. And right now 76 percent of our National Forest and BLM lands are open to development. Under this legislation we move to 88 percent of that open to development. I would say that the balance question continues to be on a scale that is not balanced to say the least. Mr. Sherman, poll after poll has demonstrated that Americans are overwhelmingly favor increased environmental protection of the public lands, yet this bill would remove existing protections that have been in place for decades for tens of millions of acres of American lands. Doesn't this fly in the face of what the American people have not only through polls but through their advocacy for these special places, that what they want?

Mr. SHERMAN. When the 2001 Rule was promulgated, there was an enormous amount of public input that went into the development of the Rule. The Forest Service received over a million and a half comments on the proposed rule, the overwhelming majority were in favor of the 2001 Rule. The uses that occur in roadless areas, I want to emphasize that there are multiple uses that do occur in roadless areas. These areas are not being locked up, these area areas that can be used for a wide variety of recreational uses and other types of uses. So I think there continues to be support for the Roadless Rule. Within the Roadless Rule our forest plans, we manage these areas, we listen to what the public says about how they want to manage it under that umbrella, and I think it has worked reasonably successfully in the past and hopefully we can continue to do it in the future.

Mr. GRIJALVA. Thank you. Yield back, thank you, Mr. Chairman.

Mr. BISHOP. Thank you. Representative McClintock?

Mr. MCCLINTOCK. Mr. Chairman, may I reserve my time? I am still getting up to speed on this.

Mr. BISHOP. OK. Representative Tipton, do you have questions?

Mr. TIPTON. Thank you, Mr. Chairman. You know, I think we have to be very clear, I think, you know, if we were to poll this room everyone is in favor of being able to protect our public lands. But it seems to me we almost get it at cross purposes. If this bill were to proceed and to pass, do all restrictions, all management of this land go away? Director Abbey?

Mr. ABBEY. No, Congressman, they would not. They would be managed consistent with the local land use plans.

Mr. TIPTON. So there still are protections for the land?

Mr. ABBEY. There could be some protections for some of these lands. In some cases there would not be protection.

Mr. TIPTON. Isn't the BLM's purpose to manage those lands so you have the authority to make some of those determinations, correct?

Mr. ABBEY. We could, by amending land use plans to come up with different management prescriptions for the appropriate future management of each of these areas.

Mr. TIPTON. OK, so we are clear that should this bill pass, protections don't go away, it is still going to be managed by the BLM, the Forest Service, and determinations will be made by these agencies in terms of development?

Mr. ABBEY. They would be managed for multiple use, and those management prescriptions would be defined by land use planning.

Mr. TIPTON. Great. Mr. Sherman, we are both out of Colorado, and we talk about the Roadless Rule and access. I know in our state a lot of the area that has been labeled as roadless has roads running all over it, and we are now seeing those roads blocked. And I have a real concern and I think you probably do as well in terms of some of the potential problems that we have with forest fires with the beetle kill that has gone on.

I have visited with some folks out of your office and they said that they have a computer model in the event of fire, but they are continuing to block some of these roads. Are you very confident that the Forest Service is going to be able to guarantee us that we will have access to be able to get in and not only to protect the

lives of the forest firefighters but also surrounding areas, that that plan can guarantee us that we will have the access necessary?

Mr. SHERMAN. Congressman, as I mentioned earlier, we have some 370,000 miles of roads in our National Forests. And in some of these roadless areas, between the 1979 inventory up to 2001, additional roads were built in roadless areas. Most of these roads are available for use. And our biggest problem to date has been that we lack sufficient funding to maintain the roads that we have. But where we have roads in place and we need to utilize those roads to deal with fire issues we are able to do that.

Mr. TIPTON. OK, great, and I guess concern that I have, and this is one that expressed, and Mr. Sherman coming now the same state and perhaps both of you would like to be able to address this, I have a constituent out of Montrose, Colorado, fought in the Korean War, was shot up and was somewhat ambulatory, but now to be able to get back to his favorite fly fishing area he needs to be able to get in on a small four-wheeler. That access is now being limited. Have you expressed direct concern for Americans with disabilities in terms of some of the access into these wilderness areas?

Mr. SHERMAN. Well, the Forest Service has an active program to help disabled people access our National Forest lands. In certain roadless areas if there are trails and you have an off-road vehicle you can use that to get into particular areas. The Roadless Rule itself again is about building new roads. But with existing roads and with existing trails these areas are open to people coming in and using ORVs, using mechanized or motorized equipment.

Mr. TIPTON. You know, we might want to discuss that, because we do have photos down in southwest Colorado of boulders being placed in the road so there isn't access, those are being blocked off. And I want to do that. Before I run out of time I do have one other concern. In Colorado, we have the most complex water law in the entire country, and what that means is first in right, and access to be able to get up to clean out head gates, to be able to get delivery of water, in terms of some of the road closures that are going on and limiting access to these areas, how are you going to be able to assure that Colorado farmers and ranchers are going to be able to access their water?

Mr. SHERMAN. We need to sit down with these individuals or water districts and talk about the access that they need. Now generally speaking again these water districts have access to their storage facilities and their reservoirs and their pipelines, that has generally been the case. If there are instances where that isn't the case, then we need to sit down and discuss how we can work with them.

Mr. TIPTON. Well, I would agree with you that this generally is kind of the fly in the ointment, if you will, because that water is precious as you know in our state. I am sorry, Mr. Chairman, I am out of time.

Mr. BISHOP. Thank you. Mr. Heinrich.

Mr. HEINRICH. Thank you, Chairman. Mr. Abbey, I know my colleague from southern New Mexico mentioned a couple of areas, several of which are under the administration of the BLM. The Gila Wilderness obviously is under Forest Service management, but the Robledo Mountains unit and the Sierra de las Uvas wilderness

study areas were mentioned as we need to be able to get into these areas to be able to control wildfire and to make sure that we don't have some conflagration. Are you familiar with the kind of forest types that are in those WSAs?

Mr. SHERMAN. I am. And there is nothing under wilderness study status or even designated wilderness status that would preclude us from moving forward and taking the actions that are necessarily required to deal with emergency situations.

Mr. HEINRICH. Because if my recollection is correct, having spent quite a bit of time in Unit 21 doing some deer hunting in that area, the forests that I remember in places like the Sierra de las Uvas are primarily prickly pear, a little bit of ocotillo, and quite a bit of yucca, there is an occasional juniper tree, but I don't remember any of those areas being the high risk mixed conifer kind of fire conditions that we have seen—

Mr. PEARCE. Would the gentleman yield?

Mr. HEINRICH. I would absolutely yield to my colleague from New Mexico.

Mr. PEARCE. I am reading my testimony here and I don't see where I mentioned anything at all about access and forest fires in those particular areas. I mentioned that they are not suitable for wilderness designation.

Mr. HEINRICH. If I recall correctly, Congressman Pearce, what you said is we need to be able, you described a situation in the Gila and said we need to make sure we don't designate these areas so that we can actively manage them to prevent forest fire. And my point is if you look at the Sierra de las Uvas and the Robledos we are painting a very broad brush with this legislation that doesn't apply to each and every WSA.

And if you look at the issue of local control in particular you would see that the City of Las Cruces, the City of Sunland Park, the Doña Ana County Commission, the Town of Mesilla, and dozens and dozens of organizations have suggested that some of these areas including the Sierra de las Uvas and the Robledos actually do have wilderness characteristics that deserve designation. A couple of years ago we had a place in New Mexico called Sabinoso. It was designated in the last omnibus lands bill as a wilderness area. If we applied the standard in this legislation to that area, Mr. Abbey, do you remember whether the Sabinoso was actually recommended for wilderness by the Bureau of Land Management?

Mr. ABBEY. I don't, Congressman, but I will say this. That of the 221 wilderness areas that have been designated by Congress and administered by the Bureau of Land Management, 98 of those 221 areas that have been designated were, or had been, recommended as unsuitable by the Bureau of Land Management.

Mr. HEINRICH. And the Sabinoso was one of those 98 because it was described at the time as too remote and difficult to access. Now I am not sure with how that doesn't square with wilderness characteristics, but the local community decided that it obviously did and it was designated. I want to switch gears real quick because of something that Under Secretary Sherman said and pose a question. You mentioned 373,000 miles of roads on our National Forests, many of which are in severe disrepair. Back in the 1990s the estimated backlog to bring those up to speed and make sure that



they were safe and workable was about \$10 billion. Do you have any idea what that figure would be today and how many years it would take you to actually deal with that backlog even if you were adequately funded?

Mr. SHERMAN. I don't have any precise figures, but I do know just to deal with passenger vehicle roads, to maintain and repair roads that handle passenger vehicle automobiles, that would be about a \$3 billion expense at the present time. And as for the other roads in the system I am sure we could get you a figure. But our budget, I think our budget for roads is about \$250 million a year, so you can just do the math to begin to see the magnitude of the maintenance problem that we have.

Mr. HEINRICH. There also, Under Secretary Sherman, there seems to be some confusion among some of the folks between the differences in how we manage inventoried roadless areas, wilderness study areas, and designated wilderness. Could you real quickly go over the difference in how the Forest Service manages those different designations in conjunction with travel?

Mr. SHERMAN. There is a significant difference between roadless areas and wilderness areas. Wilderness areas you cannot have any sort of mechanized or motorized uses that occur. Whereas in roadless areas mechanized and motorized uses are recognized and can occur. Many activities occur in roadless areas ranging from grazing, if there are preexisting before 2001 mineral leases those are recognized, as I mentioned the 1872 mining law allows activities to occur in roadless areas. There can be situations where there is directional drilling for oil and gas outside of roadless areas into roadless areas as long as there aren't roads. Existing roads, existing roads in the system can be used in roadless areas whereas they could not be in wilderness areas. So there is a substantial difference and I think there is a misconception that there is a so-called lockup of our lands with roadless areas.

Mr. BISHOP. Thank you. You went over your 15 seconds you earned earlier, I am sorry.

Mr. ABBEY. OK, thank you.

Mr. BISHOP. Ms. Noem, do you have questions for this group?

Mrs. NOEM. Thank you. Mr. Abbey, I am from South Dakota which has a significant amount of BLM land in it. I am curious, how many millions of acres does BLM have authority over in this country?

Mr. ABBEY. 245 million acres.

Mrs. NOEM. 245 million. And, Mr. Sherman, could you tell me Forest Service land?

Mr. SHERMAN. 193 million acres.

Mrs. NOEM. OK. All right, what is the potential, Mr. Abbey, for economic development on these acres?

Mr. ABBEY. Substantial.

Mrs. NOEM. Such as?

Mr. ABBEY. Oil and gas leasing, coal development, renewable energy development, grazing, forest management. The list just goes on and on.

Mrs. NOEM. Is there a potential for businesses to be established in these areas as well?

Mr. ABBEY. There are quite a few permits that we issue authorizing small businesses, including those that are related to tourism activities.

Mrs. NOEM. I am curious, a lot of the conversation today has circulated around the fact that you don't have enough resources to adequately maintain your land, yet we have continued to see an explosion in growth of land that has continued to come under your jurisdiction. So I am curious as to how many acres would be enough, do you think, what would be the optimal level of BLM lands in this country that you think would fit under your authority?

Mr. ABBEY. Well, Ms. Noem, I don't have that figure. You know, again you have not heard me make any mention of our budget or the lack thereof. We do our best to manage public lands, those that are already under the jurisdiction of the Bureau of Land Management and those that are deserving of public ownership, to the best of our abilities with whatever means that Congress appropriates.

Mrs. NOEM. Mr. Sherman, would you answer that question as well for me, as far as what do you think would be the optimal number of acres in this country that you think, I know that your resources you have referred to a couple of times have been limited and the ability to maintain those lands has been difficult at times, so I am curious to see how many more acres you believe that you would be able to manage?

Mr. SHERMAN. I don't think we are actively trying to expand the size of the U.S. Forest Service. I mean there are certain situations where we have inholdings which are problematic, which we try to either acquire or exchange lands to. But the Forest Service's land base has remained relatively steady over the past years.

Mrs. NOEM. Mr. Abbey, your agency recommends that nearly half of its wilderness study areas is not suitable for wilderness designation yet you want to keep control of these lands. What do you intend to do with them?

Mr. ABBEY. Well, that is up to the Congress. You know, these wilderness study areas will be managed to prevent impairment activities up until the time Congress makes a determination whether or not to designate them as wilderness or to release them for other purposes.

Mrs. NOEM. I have heard from many different people in our state that are concerned about the impact of not having motorized recreation occur on these lands, which is a much needed economic development in a lot of the rural areas of our state, and won't the wildlands order simply shut out a lot of the motorized recreation in many of the BLM lands and negatively impact the economic viability of some of these rural areas where the options are limited?

Mr. ABBEY. Well, we are not pursuing any kind of wildland initiative at this time due to the rider that has been placed by the Congress. I will say this, Congresswoman, is that we actually manage very little land in South Dakota as far as surface acres. We do manage an extensive amount of mineral estate in South Dakota. Nationwide the Bureau of Land Management manages 526,000 miles of motorized routes on BLM-managed lands.

There are 68.9 million acres of BLM-managed lands that are open to unlimited OHV use. You know, in Utah alone in the state

where the Chairman is from, we manage 12 sites specifically for OHV recreation and have identified over 200,000 acres that have been dedicated to OHV activities or play areas. We do that in most of the BLM states that we have holdings.

Mrs. NOEM. Well, South Dakota has about 8.7 million acres of BLM-designated wilderness areas in our state, so it is a significant amount of acres. So this designation certainly is extremely important to our state, and as far as when we are looking at the impact of Federal lands on a rural state like South Dakota—where there are few options—we are certain you appreciate the authority for some local decision-making to have some control and input into the process.

Mr. ABBEY. Yes, and I appreciate that and, you know, you may have that many acres of wilderness in your state but they are not managed by the Bureau of Land Management.

Mrs. NOEM. We have, according to this, about 17 percent of the Federal land, of our land is Federal land, BLM has about 8.7 million acres according to what I have on my records, and then we have about 13 million that is currently looking at wilderness study areas as well.

Mr. ABBEY. Let us correct that record for you, and I will be happy to do so after this hearing.

Mrs. NOEM. Sure, thank you, I appreciate it. I yield back.

Mr. BISHOP. Thank you. Love those riders, don't we? Mr. Garamendi.

Mr. GARAMENDI. Thank you, Mr. Chairman. This particular piece of legislation simply removes a large area of America from the Wilderness Study Act, and yet this Committee over the last couple of years has managed to look at these areas in a case-by-case way based upon studies that have been done locally. I am looking at the Omnibus Lands Act, wilderness, that passed this Committee in the 111th Congress. Some areas were wilderness study areas that did, that were designated as not suitable for wilderness that upon further study actually became wilderness areas, and some wilderness areas became open.

That kind of case-by-case analysis is really what we ought to be doing rather than a blanket approach which is what this particular bill is. I would like each of the witnesses to describe one such case that they may be familiar with, for example Mr. McKeon's bill last year that became law in the 111th Congress in the Mono County area. Are familiar with that, Mr. Abbey?

Mr. ABBEY. Yes.

Mr. GARAMENDI. Could you just briefly describe the process and what actually happened?

Mr. ABBEY. Well, again it is a process that worked. Again, at the local level, the public and the various stakeholders came together, they talked about the pros and cons of designating certain acreage as wilderness and releasing other acreage from wilderness consideration. Working through the local Congressman and through legislation the Congress, passed an Act that did designate some areas and release others. We see that often.

As frustrating as it is for some of us in managing some of these lands, we would like to see a more timely action on the part of Congress to resolve the wilderness issue once and for all, I think over-

all the Congress has acted very responsibly in dealing with the wilderness issue and taking the time necessary to try to reach a consensus at the local levels to make sure that those areas that are worthy of wilderness designations are the ones that are actually designated.

And then those public lands that are managed under currently wilderness study area status that are not worthy of designation could be released for other purposes. We see that example over and over again. Again, we have testified in opposition or raised concerns about the bills that propose sweeping designations. A couple of examples, if I may, Congressman, is the Colorado Wilderness Act that we testified in opposition to in March of 2010, the American Red Rocks Wilderness Act that we testified in opposition to in October of '09, and then the Northern Rockies Ecosystem Protection Act that we testified in opposition to in May of '09.

Again, those bills were very encompassing and they dealt with designating everything that was before the Congress at that point in time as wilderness and had very little acreage being considered for release. We need a balanced approach when we discuss which areas should be designated and which ones should be released.

Mr. GARAMENDI. So it really is a case-by-case or region or area-by-area analysis. This particular bill with regard to the wilderness study area simply wipes out and does not take into account the individual attributes of an area. Mr. Sherman, if you could speak to the roadless issues and the way in which that has worked over the last couple of years, rather than a blanket approach a case-by-case approach?

Mr. SHERMAN. Yes. As I think I said earlier, we have about 58 million acres of roadless in this country. These lands, while they are protected from new roads generally, although there are exceptions from time to time that are allowed under the Rule, each of these areas is governed by a forest plan, and when these forest plans are updated we look at areas that might be suitable for wilderness designation and where they are we propose this to the Congress. But if it isn't accepted by the Congress, clearly we continue to manage these lands for multiple uses in the future. But we do this on a case-by-case basis, and we think a broad sweep where all lands, all roadless lands would be potentially subject to roadless areas would be unwise.

Mr. GARAMENDI. Thank you, Mr. Sherman. It seems to me that this bill is a rather easy way for those of us, Members of Congress, to avoid our district responsibilities, to avoid the responsibility that we have to work with our constituents in our district to resolve these questions of whether an area should be wilderness, whether it should be roadless, and that it is our responsibility to bring before this Congress specific pieces of legislation, and that a blanket approach such as we are seeing here is an abdication of our personal responsibility to our constituents and to our district. And I think for that reason we ought to put this bill aside and get on with doing our homework. Thank you.

Mr. BISHOP. Thank you. Mr. Kildee is the last member of our Committee who is here. Do you have some questions, Mr. Kildee?

Mr. KILDEE. Just a couple, thank you, Mr. Chairman. And I had another hearing this morning. Several years ago when I first ar-

rived here in Congress I got passed the Michigan Wilderness Act, which has done wonders for Michigan, 92,000 acres of land, and the Michigan Scenic Rivers Act, 1,000 miles of rivers in Michigan. And those will need protecting no matter what happens with this legislation. But I would like to address a question to Mr. Abbey.

My home State of Michigan is blessed with great natural beauty. It is surrounded by the Great Lakes, the rivers that run into those Great Lakes, refurbishing them regularly with the largest body of freshwater in the world, rivaled only by Lake Baikal in Russia, but so it is blessed with that natural beauty. If H.R. 1581 is implemented, how do you see it affecting the outdoor recreation economy in Michigan and throughout the country?

Mr. ABBEY. Well, Congressman, the Bureau of Land Management does not manage any wilderness study areas in Michigan. I will say this, that Michigan is a beautiful state and sometimes I wish that we would have some lands in Michigan that we manage, but we do not today. But directly to your point, this legislation could have detrimental impacts to the local economies of some of the areas where wilderness study areas would be released.

You know, what gets lost in some of the discussion and some of the debates is the amount of money that conservation and the conservation of these public lands bring to the local communities. We talked about tourism related economies, we talked about, you know, the permits that we issue for outfitters and guides, we talk about the special experience that our recreationists have when they go and visit a roadless area. These are very special places for those of us who live in this great nation, and I think that we need to be very, very responsible as we go forward in making some long term decisions on how they should be managed.

Mr. KILDEE. Good, I appreciate that, and I am comforted by the fact that there are people out there yet who are really so aware of some things that we should leave just as they came from the hand of God, and that is what I tried to do when I came down here. And there are just some marvelous areas and it would be just, as a matter of fact I introduced the bill to purchase Grand Island, it is about the size of Manhattan Island. A company was going to clear cut about 25 years ago the whole island.

And I arranged, when Sid Yates was on the Appropriations Committee Chairman, God bless Sid Yates, Chicago, and we finally had one of the conservation groups get an option to buy and Sid Yates bought that for the people of the United States. And you go up there and you see what it was like a thousand years ago, and it is marvelous. And we should know, I am not against, my dad was a lumberjack and I am for lumbering, but we should know what we should be able to cut and harvest and what we should leave in its natural state, and use that wisdom to make that distinction. So I am glad we have done that to some areas in Michigan, I would like to see some more areas I have in mind. Thank you very much for what you do.

Mr. ABBEY. Thank you.

Mr. KILDEE. I yield back, Mr. Chairman.

Mr. BISHOP. Thank you, Mr. Kildee. Let me ask a couple questions of my own if I might. I have to tell you both, I have already scratched the surface of the bill and all I found was page 2. So

maybe you all can help me, you all can help me, Mr. Abbey, or so. There have been a few that have said that, you know, as soon as this bill was passed that development would be of land, significant number of lands would be given to oil and gas and logging and new roads and everything. Mr. Abbey, wouldn't any new lands released in this bill be under the current or revised management lands managed with the same kind of public input?

Mr. ABBEY. Again, the future management of these areas if they were to be released would be subject to the provisions of the local land use plans.

Mr. BISHOP. So the number of acres that would actually be immediately thrust open is actually zero. Mr. Sherman, I think the same thing I would like to ask you. If this bill were passed under those processes and authorities, how many acres would immediately be opened up to timber, mining, oil, and gas drilling?

Mr. SHERMAN. Initially these lands would be continue to be managed under the current land management plans.

Mr. BISHOP. OK, so the number once again is zero. Mr. Abbey, do you have any idea how much of your budget you spend on litigation, settlements, attorney's fees?

Mr. ABBEY. I do not.

Mr. BISHOP. Nor do I. Someday maybe you can find that out for me. Since we have not got the Solicitor's opinion that was promised as far as the wildlands issues, are you currently planning or studying or viewing any other potential national monuments?

Mr. ABBEY. I am not, no.

Mr. BISHOP. Or under wildlands as well?

Mr. ABBEY. No.

Mr. BISHOP. Or the Department?

Mr. ABBEY. I am not aware of any action that is being taken by the Bureau of Land Management or the Department of the Interior that is contrary to the rider that is currently in place or pursuing any kind of national monument designation.

Mr. BISHOP. Appreciate that, I would still also appreciate the Solicitor's opinion at some particular time. You mentioned that there have been 98 occasions when Congress has made wilderness areas that were not necessarily designated for wilderness.

Mr. ABBEY. Or deemed suitable.

Mr. BISHOP. I understand that because I did it, I designated wilderness areas. They weren't, it was not wilderness characteristics, there was another reason. But that as I understand it is indeed the role that Congress has, to designate it or not to designate it. And as my ecclesiastical leader will always tell me, just because somebody sins does not give me justification to sin as well. You testified though just a moment ago that you all came and testified against the Red Rock Wilderness Bill, yet at the same time that bill has been used to justify decisions that have been made by your Department and those underneath your Department simply because that bill is out there and is floating.

So what I am going to suggest here is there is a reason that perhaps Congress should get involved in these kinds of decision making whether it fits the limitations or not. If indeed decisions were thrown on a process in a blanket reform, sometimes a blanket approach is needed to roll that back before you can actually deal with

the situations one-on-one so we are not always coming back here with the "oops let us do this," a do-over approach, which seems to be constantly used on lands, once decisions are made then we come up with another do-over. I was going to yield. Obviously there is no one here to yield so I am going to yield back to myself. And I thank you for your presence being here. We have two other potential questioners, the Ranking Member of the Full Committee, Mr. Markey, am I assuming that you have questions of these gentlemen? You are recognized.

Mr. MARKEY. Thank you, Mr. Chairman, very much. And thank you both for being here. Mr. Sherman, how many acres does the Forest Service manage and how many of those acres are wilderness?

Mr. SHERMAN. The Forest Service manages approximately 193 million acres. I think the wilderness lands constitute somewhere between 30 to 35 million acres.

Mr. MARKEY. And how many are inventoried roadless?

Mr. SHERMAN. 58 million acres are inventoried roadless.

Mr. MARKEY. You mentioned that roadless areas serve a number of important goals including biodiversity, recreation, watershed protection. Can you expand on how a lack of roads serves those other goals as well?

Mr. SHERMAN. Yes. I had mentioned in my opening statement, from the standpoint of protecting drinking water, roadless areas play a very important role in purifying and cleaning water which is used by hundreds of municipalities. I mentioned that some 66 million people in the United States get their drinking water from the National Forests. Roadless areas protect a great number of endangered species or candidate species or species of conservation concern that we want to keep off the endangered species list.

And roadless areas are extremely important in allowing quality outdoor experiences and recreation with hunters, fishermen, sportsmen, hikers, bikers, campers. So we think that those values are important and we can also at the same time accommodate certain other multiple uses without the building of new roads into these areas.

Mr. MARKEY. How many miles of road are there in the National Forest System?

Mr. SHERMAN. We have over 370,000 miles of roads.

Mr. MARKEY. How many more miles are user created roads?

Mr. SHERMAN. There are many additional user created roads that are unauthorized.

Mr. MARKEY. What would you estimate that to be?

Mr. SHERMAN. I would have to get back to you with an estimate.

Mr. MARKEY. Can you give me a ballpark?

Mr. SHERMAN. It would be difficult for me to do that, but I will get back to you with an estimate.

Mr. MARKEY. Wouldn't even have to be Fenway Park, it could be Yellowstone Park, just a broad estimate?

Mr. SHERMAN. I really can't give you an estimate, I am sorry.

Mr. MARKEY. Well, is it your view that those seeking motorized recreational activities on the National Forest areas have other places that they can go?

Mr. SHERMAN. There is no question that we have, I mean we have some 200,000 miles of roads that are open to ORV use in our National Forest System. Our problem as I had mentioned earlier is that we have difficulty maintaining the roads that we have.

Mr. MARKEY. Is hunting allowed in roadless areas?

Mr. SHERMAN. Yes.

Mr. MARKEY. It is. In your testimony you mentioned that Idaho and Colorado have submitted state roadless plans. How would this bill impact those plans?

Mr. SHERMAN. I am concerned that this bill might complicate or even negate those plans. I mean we would have to look into this further, but the inventoried lands that are contained in both state petitions obviously overlap with much of the inventoried 2001 roads, and the extent to which those roads would be turned back to management under local forest plans could potentially complicate both of those state petitions.

Mr. MARKEY. OK, is hunting allowed in wilderness areas?

Mr. SHERMAN. Yes.

Mr. MARKEY. It is. Does the Wilderness Act provide the kind of flexibility you need to manage wilderness areas?

Mr. SHERMAN. Well, it is a different form of management. Wilderness areas are less managed than roadless areas, but to a certain extent there is management, it is just not through mechanized or motorized uses.

Mr. MARKEY. So for questions of your management of fire or public health and safety issues, do you have the capacity to be able to manage those issues in the wilderness areas today?

Mr. SHERMAN. Yes, we are able to suppress fires in wilderness areas. We typically do it through areal suppression when we believe it is necessary.

Mr. MARKEY. In your testimony you provided several examples of wilderness bills that were passed by Congress that included areas not recommended for designation by the agency. Why was that the right outcome in those cases?

Mr. SHERMAN. Are you talking about the Forest Service now or are you talking about BLM?

Mr. MARKEY. BLM. I am sorry, for Mr. Abbey, I am sorry.

Mr. ABBEY. OK, thanks. Well, again I think it is a recognition on the part of the Congress that the inventories and studies that were used to form our initial recommendations that were included as part of our wilderness study reports were somewhat outdated and they needed a fresher look. And through the wisdom of this Congress and other Congress and with the input of public land stakeholders, legislation was introduced that addressed some of those areas and designated some as wilderness and released others for other uses.

Mr. MARKEY. Thank you. Thank you, Mr. Chairman.

Mr. BISHOP. Thank you. Mr. Pearce, do you have any questions of yourself or these witnesses on the condition that you give me the first minute?

Mr. PEARCE. No, thank you, sir, I will just pass if that is the case. I will give you the first minute, sir.

Mr. BISHOP. Thank you.



Mr. PEARCE. I thought you were going to answer a question I was asking myself, that is the reason I was holding out.

Mr. BISHOP. Let me take the first minute if I could.

Mr. PEARCE. OK.

Mr. BISHOP. Mr. Sherman, and I am only going to do this because you just said this again. In your testimony you maintained that roadless areas and maintaining roadless areas in relatively undisturbed conditions save downstream communities millions of dollars in water filtration cost. In Denver water they had to spend millions of dollars to remove debris that had infiltrated their reservoirs because of the 2002 Hayman fire that burned through roadless areas in which post-fire restoration was limited. You have 28 seconds to tell me how that actually is consistent with saving communities money and supplying clean drinking water.

Mr. SHERMAN. Well, the City and County of Denver has focused on how to protect its watershed both because of fires near Denver and back country watersheds, the city has decided it must protect these watersheds. The watersheds in roadless areas are in certain ways better protected because there aren't roads going through them, and roads from time to time are a complication in terms of sedimentation into streams, impacts to water quality. So that is one of the vehicles by which—

Mr. BISHOP. All right, I was serious, I only got that 28 seconds to do it and it didn't happen. Mr. Pearce, do you want the rest of the 3:42 now?

Mr. PEARCE. Sure. Following up on the idea of water, sir, we had a hydrol—[phonetic] just recently come into Cloudcroft, New Mexico, in the Forest Service and said if we just logged in 1,000 acres we could provide 100-year supply of water to a community that is out. The truth is that the trees crowd out the grass, the grass is what slows the water from rushing off the hills and the grass allows the water to permeate into the aquifer.

So trees actually crowd the grass out, the water runs off, it is what carries the silt down into the streams, contaminates them. Nature did not have the number of trees in the forest that you are allowing and it is killing the watersheds, the watersheds in the West are dying. Now you mentioned that the mechanized access is allowed, that vehicles can go into roadless areas. Is that sort of your testimony?

Mr. SHERMAN. Yes, vehicles can use existing roads.

Mr. PEARCE. OK, so I am going to use your statements here and I am going to advertise them publicly in Silver City, New Mexico, and with respect to the 95 percent of the Gila that was recently put off limits by the new Roadless Rule and you don't think that would be a conflict in the minds of the Forest Service there?

Mr. SHERMAN. Well, I am not familiar with this specific instance.

Mr. PEARCE. And would it be a problem anywhere that I can go and use your testimony and say, no matter what these local foresters say that you can't drive your vehicle out here, the man in Washington says it is OK?

Mr. SHERMAN. Well, again I think it depends on the site specific nature of the issue, but—

Mr. PEARCE. I suspect it does. If I could go ahead and reclaim my time, you said it is possible to hunt, it is possible to hunt in

roadless areas. How far can you drive your vehicle off to pick up an animal that you have shot, say a 1,500 pound elk in the Gila, how far off of the roadless area can you get, how far off of the established roads?

Mr. SHERMAN. Well, you can't go off the established roads.

Mr. PEARCE. Right, so basically you can hunt as long as you can find a deer or an antelope or an elk that will walk into the road and you can shoot it there, otherwise you have to backpack the thing out. Mr. Abbey, you said that oil and gas is possible in WSAs?

Mr. ABBEY. I did not.

Mr. PEARCE. You did not say that?

Mr. ABBEY. No. I said that it would be possible if the areas were released from WSA status.

Mr. PEARCE. OK, so that is, the wilderness study areas do significantly impact the area like New Mexico to make a living. Yes, I will just leave that dangling. How much Forest land and how much BLM land is east of the Mississippi?

Mr. ABBEY. There are a couple of thousand acres managed by the Bureau of Land Management as far as surface acres.

Mr. PEARCE. OK. Mr. Sherman, a couple of thousand acres compared to millions?

Mr. SHERMAN. There are millions of acres of Forest Service.

Mr. PEARCE. Millions.

Mr. SHERMAN. Yes, under the Weeks Act.

Mr. PEARCE. OK. The reduction in litigation you mentioned, who brings most of the litigation? What groups, are they trying to get more access or less access into the forest?

Mr. SHERMAN. There are a variety of litigants.

Mr. PEARCE. The majority, if you are going to go to 51 percent or more, who would bring most of the lawsuits, more access or less access are they seeking that?

Mr. SHERMAN. I can get back to you with a figure, I don't have it off the top of my head.

Mr. PEARCE. I suspect since they are all, they are repaid by EGA [phonetic] I suspect that those would be groups that would not be seeking more access to public lands. Finally, Mr. Abbey, do you manage the Camino Real? It is a small museum in New Mexico. Excuse me, Mr. Chairman, I would like to, just let us take it that you probably do. There might be a museum sitting out there that recognizes Camino Real which was back in the 1600s, 1500s. Now also in New Mexico we are now assigning water rights based on historical use by Native Americans back 1,000 years ago based on aerial maps showing the lines where crops may have been grown.

And you tell me that we are not going to see that the 30-year-old data is somehow insignificant? You are the one that managed the dadgum museum recognizing from the 1400s, and it does, you can still see the effects of that trail. And so when I see the language in the Act that you can't see the signs of man's interference, I don't think 30 years is going to really make that big a deal when you are talking about, well, we have to have new data that means Congress needs to appropriate more money and somehow you are going to come up with something different when you are managing

something from the 1400s, just doesn't make sense. I yield back, Mr. Chairman.

Mr. BISHOP. Thank you very much. Mr. McClintock.

Mr. MCCLINTOCK. Thank you, Mr. Chairman. I was trying to locate a letter, which I finally did, from a county supervisor in Butte County, California. It speaks to the increasingly draconian restrictions that the Forest Service has been placing on existing roads but it speaks very much to the subject that this bill addresses, and I would like to see what would be your response to the people that you are hurting with these restrictive policies.

He says the restriction applies to such activities as collecting fire wood, retrieving game, loading or unloading horses or other livestock, and camping. Besides being inconvenient in many cases, when children and animals are involved it clearly can be a safety concern. The National Forests are part of the local fabric, the roads within the National Forests are used by thousands of residents and visitors for transportation and recreation.

These activities generate revenue for our rural communities which are critical for their survival. How do you respond to the communities that once were thriving because of the ranching activities, the mining activities, the timber activities on these public lands, recreational activities like hunting, horseback riding, and camping, that you are systematically now removing from the public lands?

Mr. SHERMAN. Congressman, I don't believe the Forest Service is systematically removing roads from the system. I did explain earlier that we do have a challenge maintaining these roads in a condition that will work for the public. That is one——

Mr. MCCLINTOCK. You are closing them, you are closing public access to these roads. If you want to take a look at Plumas, for example, your testimony that you are not systematically closing these roads is simply false.

Mr. SHERMAN. Well, I will get back to you with the specifics of that, but I will tell you that we need to maintain these roads, and when we can't maintain these roads in certain cases we may be forced to close them. There may be other issues that come up that we would have to look into the specifics of, but as a general matter we provide roads into our National Forests that provide recreation for 110 million visitors.

Mr. MCCLINTOCK. Roads on the public lands are absolutely essential for the public to be able to use those public lands, and it seems to be the policy of this Administration to remove the public from the public's lands.

Mr. SHERMAN. I don't believe that is a fair characterization, but——

Mr. MCCLINTOCK. I will tell you the folks in my region who are flooding my office with complaints believe that it is.

Mr. SHERMAN. Well, I would be happy to sit down with you, I would like to understand the specifics of the situation that you are addressing and maybe we can address it.

Mr. MCCLINTOCK. Do we have, Ms. Noem asked the question earlier regarding the economic opportunities that are there to revive a lot of these communities that once thrived and are now withering

because of the restrictions, do we have an actual number attached to that?

Mr. SHERMAN. To what, I am sorry?

Mr. MCCLINTOCK. To the economic activities being stifled by the increasing restrictions on the public lands?

Mr. SHERMAN. Well, we certainly have figures about the economic activities that have benefitted from our uses of public land. I am not sure I have figures that address the issue the way you just phrased it.

Mr. MCCLINTOCK. And I would like to emphasize to both of you that, yes, there is a crucial responsibility to preserve the public lands for future generations, but that does not mean denying the public lands to the current generation, and unfortunately that appears to be the policy and I am glad to see legislation beginning to redress that issue. And with that, Mr. Chairman, I would like to yield my final minute to Mr. Tipton.

Mr. TIPTON. Thank you, Congressman. Director Abbey, I just wanted to do a little bit of a follow up. I had a query come from the Colorado State Board of Education. There has been, as you are probably aware, trading of state lands for Federal lands, but Colorado retained the right to those mineral rights. Under these areas that the BLM has determined now not suitable for designation as WSAs, will the State of Colorado? This is important because it is for children; it is for the Secure Rural Schools funding that is going through.

Mr. ABBEY. Yes.

Mr. TIPTON. Is Colorado going to be able to have its right to access to those resources so that we can support education?

Mr. ABBEY. We will grant access to those inholdings as appropriate. And we are working very closely with the State of Colorado on that very issue.

Mr. TIPTON. And what is appropriate if we have this designation?

Mr. ABBEY. What kind of designation?

Mr. TIPTON. If there is a WSA designation currently on some lands that have been traded?

Mr. ABBEY. Again, it would be the least impacting access to that inholding. What we would do is look at the needs of the state relative to how they want to manage that inholding, we would try to work with them to mitigate the impacts that might be caused to the wilderness study area if such development occurred, including moving forward with some exchanges as you indicated as a tool. In lieu of an exchange or if the State of Colorado did not want to exchange out their inholding then we would work with them on an appropriate access route.

Mr. TIPTON. So the state will have access to those resources and be able to use it for the secure rural schools?

Mr. ABBEY. That would be our goal.

Mr. TIPTON. Great, thank you very much. Thank you, Mr. Chairman, thank you, Congressman.

Mr. BISHOP. All right, thank you. Mr. Abbey and Mr. Sherman, we appreciate you spending two hours with us.

Mr. ABBEY. Thank you.

Mr. BISHOP. More important I spent two hours with you here at the same time. We have two other panels to join us. I am going

to flip the panels from what we have originally said. The second panel that I would like to invite up is the panel that is consisting of our elected officials and former elected officials, so we would like to invite The Honorable Bruce Babbitt, Former Governor of Arizona also Former Secretary of the Interior, to be with us.

The Honorable Mike Noel, State Representative from Utah, Kane County. The Honorable Kent Connelly is the Chairman of the Board for Lincoln County Commission in Lincoln County, Wyoming, he is also Chairman of the Coalition Local Governments in Wyoming which include Lincoln, Uinta, Sublette, and Sweetwater Counties in Wyoming. And because we are being pressed for time here I am going to ask Mr. Dan Kleen who is the Elected President of the Off-Highway Vehicle Conservation Council to be here so we can balance out the remaining panels. We also have one other panel after this as well to hear.

So we appreciate you all being here with us. Again, the same situation I think exists as we mentioned earlier. The lights in front of you, green is when your time will begin, yellow means you have a minute, red allegedly means that the time is over and we need to move on. Your written testimony will appear as written. We would ask you simply to add oral supplements to that testimony at the same time. And once again I think we are all prepared now, maybe.

And we do appreciate very much your presence here with us as well as what you do in your communities. And your name tags are OK. What you have OCD, Casey, what is this? But the name tags look very nice, thank you. We will begin if we could with Mr. Babbitt then go to Representative Noel who I watch to mention is not a State Senator, you are on the right side in the Utah Legislature as well, the Statehouse, then Commissioner Connelly, then Mr. Kleen in that order if we could. And we welcome your oral testimony. Mr. Babbitt?

**STATEMENT OF HON. BRUCE BABBITT,  
FORMER SECRETARY OF THE INTERIOR**

Mr. BABBITT. Mr. Chairman, thank you. Mr. Chairman, I will try to be even more brief than the five minutes. Let me start by acknowledging that I have, in fact, characterized this bill as extreme, and I would like very briefly to suggest why that is. Let me start with the BLM wilderness study area issue. I have a long history working this issue. It began in 1980 when I was approached by Senator Goldwater and Congressman Udall, who during my tenure as Governor said, let us get together as Arizonans and see if we can resolve the wilderness study issues in our state.

It began a protracted and ultimately very productive experience in which all the way across the spectrum, from Senator Goldwater, the Arizona Mining Association, to Congressman Udall, we put together a series of wilderness bills, brought them to this Congress, had them enacted both in terms of designating wilderness and releasing those areas which were not designated. What I learned from that process and have had occasion to work with in the intervening 30 years is that the Wilderness Act and its accompanying relationship to FLPMA really is an extraordinary legislative achievement.

What the Wilderness Act does with the FLPMA backup is create an architecture of state, Federal, local participation in which wilderness decisions are driven by the state congressional delegations, in which the local participation is, in fact, required to provide the impetus for the delegations to come back and resolve these wilderness issues on a state-by-state basis, always with the final decision reserved to the U.S. Congress.

Now the great enduring mystery to me is why it is there is now a proposal to change that manifestly successful process and switch over to a preemptive decision coming from on high which says to Governors, congressional delegations, mining associations, you all can abandon the search for site specific consensus which will involve a detailed discussion of every acre under consideration to decide whether or not it should be wilderness or whether or not it should be released back into multiple use. And I think that is, in fact, an extreme measure.

Just a word about the Roadless Rule. I participated extensively in the formulation of this Rule. In some measure because of my own experience growing up in a western logging town where I saw the devastation caused by clear cutting of a vast ponderosa forest in northern Arizona, which had deleterious effects on hunting, fishing, water quality, and recreational opportunities, and the Roadless Rule, as Harris Sherman described it, is to me an attempt to modify that and to recenter these roadless issues to prevent that kind of devastation.

I would like to finish with respect to the fire issue. I am a certified firefighter, I have spent months out on fire lines, and I can tell you that this idea that building roads and logging reduces fire risk is mistaken. It is quite the opposite. The proliferation of roads, the cutting of old growth timber, the scattering of slash on the floor of the forest, the removal of the fire-resistant large trees, and the increased incidence of human-caused fires as a result of a casual driver through traffic are, in fact, increasing the fire risks in forests. And it is for all of these reasons that I conclude right where I started. This is an extreme measure, it is unnecessary, and yes it is a giveaway to the commercial logging and other interests. Thank you.

[The prepared statement of Mr. Babbitt follows:]

**Statement of The Honorable Bruce Babbitt, Former Secretary of the  
U.S. Department of the Interior, on H.R. 1581**

I would like to begin by thanking the Committee for the opportunity to appear before you today to testify on H.R. 1581. It is more than ten years since I left office as Secretary of the Interior, and this is the first time that I have accepted an invitation to testify on pending legislation.

I have accepted your invitation today because this bill, H.R. 1581, is not just another run-of-the-mill proposal. H.R. 1581 is the most radical, overreaching attempt to dismantle the architecture of our public land laws that has been proposed in my lifetime. This bill must not gather momentum in the legislative backwaters of yet another routine committee hearing. It needs to be brought out into the sunlight of extended public discussion so that the American people can see and clearly understand the threat it poses to our public land heritage.

Among other provisions, H.R. 1581 would eliminate existing protections for more than 55 million acres of land within our National Forests. Further, this legislation would eliminate existing protection, provided under the Federal Land Management Act and the Wilderness Act, for nearly 7 million acres of public land managed by the Bureau of Land Management.

These lands, which together equal an area nearly the size of the entire state of Michigan would be released from protection by H.R. 1581. Were this legislation to become law, these lands would immediately lose their existing protection, to become available for industrial timber cutting and oil and gas exploitation. Simply put, this legislation trades protection of wildlife habitat, clean water, and clean air for corporate profits. It is nothing more than a giveaway of our great outdoors.

#### **BLM-managed Wilderness Study Areas (WSAs)**

The Wilderness Act is perhaps the single greatest achievement in America's long and illustrious history of public lands management. The Wilderness Act, which passed the U.S. House of Representatives by a vote of 373 to 1, set in motion a unique process that charged federal land management agencies with assessing public lands to identify which lands should be preserved in perpetuity as federally protected Wilderness. The Wilderness Act defines Wilderness as:

“in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.

An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.”

The Wilderness Act, as passed by Congress and signed into law by President Lyndon Johnson in 1964, did not originally apply to the public lands administered by the Bureau of Land Management (BLM). In 1976 Congress rectified this oversight with passage of FLPMA which directed the BLM to review its land holdings in accordance with the Wilderness Act. Areas identified as possessing the qualities outlined in the Wilderness Act were to be identified and managed as Wilderness Study Areas (WSAs) by the BLM until such time as Congress decides how these lands should be managed long term.

The enduring success of the Wilderness Act, its public acceptance, and the fact that it has served our country well for nearly a half century is, in my judgment, due in no small part to the manner in which it incorporates the best aspects of our Federal-state system of government.

The Wilderness Act (and FLPMA) delegated to the land management agencies the task of defining and mapping areas eligible for wilderness consideration. The Act, however, reserves to Congress the ultimate authority to designate those areas identified by the agency as wilderness or to release eligible lands from further consideration. Wilderness bills generally originate with the Congressional delegation from the state in which the lands are located. This process assures that all stakeholders with an interest in the enormous variety of lands and resources on our public lands, have a voice in how these lands are managed.

Since enactment of the Wilderness Act some 155 wilderness bills, many of them designating multiple wilderness areas, have been approved by Congress. Some of these bills released areas from further study, while others did not. Some bills passed without controversy; others were enacted only after prolonged debate.

While this process can be slow and cumbersome, it has produced a resource of permanently protected wilderness that is nothing short of a national treasure.

Some days ago, I looked over a list of the remaining Wilderness Study Areas, and I noticed that my State of Arizona has largely completed the process of designating and releasing Wilderness Study Areas. Serious discussions about the future of Arizona's BLM lands began some thirty years ago, during my tenure as Governor. Two members of Congress, Senator Barry Goldwater and Representative Morris Udall led the process. Extensive consultations among environmental groups, sportsmen groups, as well as resource users (led by the Arizona mining industry), extended for several years, ultimately resulting in several state-wide wilderness bills which finally determined the status of most wilderness study areas.

It is this process, sanctioned by more than forty years of success, that H.R. 1581 proposes to destroy. Instead of locally-driven processes that result in well-supported decisions, this legislation imposes a preemptive federal decision, imposed on all states and areas, without participation of local, state, and national stakeholders.

### National Forest Roadless Areas

In addition to destroying existing protections for BLM-managed Wilderness Study Areas, H.R. 1581 also proposes to hand over more than 55 million acres of our most pristine National Forest areas for industrial logging and oil and gas exploitation. H.R. 1581 would facilitate this giveaway of our great outdoors by means of a blanket repeal of the forest protection policy established by the Clinton Administration.

As a member of that administration, I can tell you that the reason the National Forest Roadless Rule was proposed by the Clinton Administration is both simple and compelling. Over the last century, the timber industry has taken more than its share from our national forests. More than half of the land managed by the Forest Service has already been handed over to timber interests.

Growing up in one of the largest of western logging communities, I personally witnessed this process over my lifetime as most of the great old growth ponderosa forests of the Coconino Plateau were successively destroyed by road building and clear cutting. I watched as watersheds were decimated, as wildlife shrank to the margins, and the great yellow belly pine forests were reduced to fragments on the sides of inaccessible canyons and mountainsides.

Today, only about 20 percent of our National Forests are included within established wilderness areas. What little remains of our old growth forests outside of these wilderness areas are the areas now demarcated as Roadless Areas, which together amount to only about 58 million acres (30% of the entire base of our National Forest System).

The question posed by H.R. 1581 is simply this: Do the American people want to allow these last remaining areas to be delivered over to the industrial timber and oil and gas industries, or should we take this last chance to protect what is left?

In 2000 the Clinton Administration put forth the proposed rule on the management of our roadless national forest lands for consideration by the American people. The result was the most extensive and transparent rule making process in history. More than 23,000 people attended over 400 hearings, and the Forest Service received well over 1 million comments. Many governors provided public support of the initiative as well. On the basis of this public process, the policy that provides protection for the Forest Service's roadless areas was adopted.

Opening areas to new road construction, as proposed by H.R. 1581, has myriad negative effects. Roads cause habitat fragmentation impacts on big game species and degrade backcountry hunting opportunities. The hunting experiences described by Theodore Roosevelt in the Grand Canyon region are no longer available in many of today's autumn forests.

In addition to destroying backcountry hunting and fishing opportunities, H.R. 1581 would also destroy the forest health and watershed protection benefits of roadless areas. Further, the inverse relationship between water quality and road density is widely documented. Downstream communities benefit directly from intact watersheds. H.R. 1581 will cost downstream communities money as sediment loads increase and water quality deteriorates.

Claims that more road building will reduce the incidence of destructive wild fires are not supported by the facts. Studies show that logging of old growth actually increases fire risk as a result of the scattering of fine fuels and slash on the forest floor. And road building increases the amount of casual traffic which in turn increases the incidence of human-caused fires.

The Clinton Administration, as a result of my urging, recognized that some thinning of undergrowth, including by mechanical means, is a necessary aspect of ecological restoration. The Roadless Rule specifically allows for access necessary for fire reduction and ecological restoration.

Claims that the Roadless Rule discourages public access are likewise untrue. To the contrary, by excluding industrial logging and road building for oil and gas development, this policy provides a clear management direction to the agency that on these select lands, other public, sustainable uses have priority. These uses include, but are certainly not limited to wildlife viewing, hiking, biking, backpacking, hunting, fishing, and protection of watersheds for downstream communities. And motorized recreation is not precluded by the Rule.

Over the years road building has become part of the institutional DNA of the Forest Service. Today, there are over 348,000 miles of roads in our National Forests. This represents nearly ten times the mileage in the entire Interstate Highway System. The Forest Service road maintenance backlog is now approaching \$10 billion. The Roadless Rule both ensures that we leave some vestiges of our primordial forests and that we do not load still more costs onto the Forest Service.



**Summary**

H.R. 1581 would destroy the protections established by the Roadless rule; it would degrade backcountry hunting and fishing opportunities, increase fire risk, destroy recreation economies, impose increased water treatment costs, and add to the Forest Service's maintenance backlog. H.R. 1581 would terminate time honored and successful Wilderness Act procedures for lands administered by the Bureau of Land Management.

H.R. 1581 should be entitled "The Great Giveaway". The only beneficiaries of this legislation would be industrial timber and oil and gas corporations. The losers will be the American public, our children and grandchildren and generations to come. I urge you to reject this legislation.

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Mr. BISHOP. Thank you. Representative Noel.

**STATEMENT OF HON. MIKE NOEL,  
UTAH HOUSE OF REPRESENTATIVES, DISTRICT 73**

Mr. NOEL. Thank you, Mr. Chairman and members of the Committee. I am going to call myself the on-the-ground guy that comes to this Committee. I am a farmer and a rancher, been so for over 35 years. I also worked for the Bureau of Land Management for 22 years. I now am the Director of the Kane County Water Conservancy District which manages the water resources in my county. And I am a state legislator for the past 9 years. I actually ran on a platform that does some of the things that this bill proposes, which is to get us back onto a management of the public lands.

I felt like if I ever got a chance to sit next to the Secretary of the Interior I would tell him how disappointed I was in the creation of the Grand Staircase in my county and the eight different counties that I represent, both Garfield County, because it has been an extreme disaster what happened there. The environmental impact statement that was written did not identify any impacts to antiquities on the land and it was strictly a political move, and it has created huge problems for me not unlike the WSAs that are in my district.

It is interesting that now that this WSA program which has gone on for some 35 years, the recommendation in Utah was under President Clinton and Secretary Babbitt was that only 3.2 million acres of BLM land had wilderness characteristics, and they recommended that 1.9 million acres of those are suitable for wilderness designation. So the Clinton Administration was the one that said we should remove these and went through an extensive review, an extensive process, and here we are 36 years later and we are still sitting here with these WSAs.

What do WSAs do to my state, my eight counties that I represent? They are very restrictive, they are extreme. When you talk about fighting wildfires, I was on the fire line for 22 years, worked my way up to the incident commander. I was on the national forest fire in Yellowstone National Park which burned for 225 days. We were not allowed to go into the Absaroka wilderness area when there were three small fire, the Lovely, the Clover, and the Mist fire. We had to pack up mules and go in. That allowed that to burn for 225 days, cost millions and millions of dollars. So going in the fire line and trying to fight a fire in a roadless area, in an area that is WSA, is impossible with modern conditions.

We can manage forests. The Secretary talked about, I am sure the Kaibab National Forest once employed 350 people in Fredonia,

Arizona, over my border. By the way my great grandfather was the first county commissioner in Apache County, Arizona, Prime Thornton Coleman, and one of my grandfathers is buried in Alpine, so I know a little bit about Arizona. My grandmother was born in St. Johns in 1897. I know the state. We had lots and lots of people in the logging business in Kanab. That has been shut down because of the goshawk and other issues there.

What happened here three years ago? The Kaibab National Forest burned and burned up thousands of acre of timber. What did that do to watershed? It destroys watershed. Go look at the Dixie National Forest where bark beetles were allowed to come in. You have up there Douglas fir trees that are completely gone, and the urban interface between the private property where one-half of the assessed valuations in Kane County are located you have an area there that is just waiting to burn. The Forest Service has done nothing to protect that area, and that is going to burn and it is going to reduce the assessed valuations of over a billion dollar in my area and destroy watershed.

Watershed is something you need to protect, and you can protect it with management. You can't do it. I have heard testimony here today that WSAs actually allow for management. They don't allow for management at all. You don't have any management in WSA, you just leave it alone, you don't do anything with it. This is a multiple use piece, the public lands should be done by multiple use, not by single use, and that is what happens here.

We used to have a movie filming industry in Kane County. We don't have it. It was called Little Hollywood. When the Grand Staircase was created, they precluded any movie filming. You can't even film a movie in a wilderness area. You can't bring a bicycle into a wilderness area, into a wilderness study area. It is absolutely insane. When I worked for the agency, we used to do multiple-use management. And when you talk about we are going to open these lands up to destruction, hasn't anybody heard about the National Environmental Policy Act? Hasn't anybody heard about resource management plans?

This planning will continue to go on. Every single action that occurs on the National Forest on public lands in any state including Utah will require a full environmental analysis, and I know because I have testified in Federal court as an expert witness on NEPA. You can't just go in there and willy nilly go in and put roads in and put actions in and put drilling in. Let us talk a little bit about drilling. We need to drill in the public lands. You can recover those public lands under APDs and those processes, you can come back and you can restore those public lands such that they haven't even been used before. So this is all hogwash that you have heard here about destroying these public lands and open them up, you will still be susceptible to the National Environmental Public Act.

[The prepared statement of Mr. Noel follows:]

**Statement of The Honorable Michael E. Noel, Utah State Representative District #73, Utah House of Representatives, Kane County Water Conservancy District, on "H.R. 1581, Wilderness and Roadless Release Act of 2011"**

I am grateful for the opportunity to testify on H.R. 1581 which due to the economic conditions that exist in my state and district, is legislation that needs to be passed and implemented as soon as possible. I have lived in rural Kane County for over 36 years and have served in the Utah House of Representatives for the past 9 years. I represent House District #73 which is the most rural district in the state and includes all or part of 9 counties. I am a cattle rancher and a hay farmer. I am also the executive director of the Kane County Water Conservancy District which supplies culinary and secondary water to customers in Kane County. I have an extensive background in public land management, specifically with the Bureau of Land Management where I worked for over 22 years. I have testified in federal court as an expert witness on the National Environmental Policy Act and I have an extensive background on federal land planning and Environmental Impact Statements. During the period of my employment with the BLM which started shortly before the passage of the Federal Land Management and Policy Act (FLPMA) in 1976, I had a front row seat as the agency strayed from its congressionally mandated multiple-use management mission, to an agency that now seems to be taking their directions directly from grant driven environmental organizations.

I was the project manager for the Andalex Coal EIS which resulted in the creation of the 1.9 million acre Grand Staircase-Escalante National Monument in Kane and Garfield Counties locking up over 5 billion tons of low sulfur, high Btu coal that could be used by Utah and the nation to meet our critical energy needs. The creation of the monument resulted in me leaving the BLM and starting on a new path in life. I found out first hand that despite taking oaths to uphold the constitution and to obey the laws, the truth doesn't matter to many elected politicians and their appointed cabinet members. In reasons given for the creation of the GSENM, the truth of the matter is that there was never any threat to any antiquities or resources in Utah. The Draft EIS prepared by the BLM and OSM which was never allowed to be released, stated as much. The reasons given by the Clinton/Gore/Babbitt administration for creating the GSENM were in fact bald faced lies as are many of these WSA policies that have come about since the passage of FLPMA.

**Impacts of WSA's and Special Designations on Utah and Other Western States:**

Since this hearing is focused on the release to multiple use management of non-suitable Wilderness Study Areas, I will focus my attention on the impacts of these special designations to the people of Utah and the citizens of this country. Of the nearly 85,000 square miles of surface area in Utah, 17,884 square miles are in private ownership-which is about 21%. In Kane County only 423 square miles (or about 11%) of 3,992 square miles in the county is privately owned. Other counties in District 73 have even less private land, Wayne County (4%), Garfield County (5%) while Beaver (13%), Piute (13%), Washington (18%) and Sevier (19%) and Iron (36%) are still greatly dominated by federal lands. There is a huge disparity between private vs. federal lands in relation to the Eastern States where no states east of an imaginary vertical line from Montana to New Mexico has more than 14% of its land federally owned. In contrast no state west of that line has less than 27% of its land federally owned (with the exception of Hawaii). Four Western states have more than 62% of their land federally owned (Alaska, Idaho, Nevada and Utah).

Not being able to collect property taxes on 79% of the land in my state creates problems in trying to meet the vital state and local governmental services including public and higher education. The Payment in Lieu of Taxes (PILT) legislation was supposed to make up for this disparity but it has never been adequate. It is no wonder that the 10 year Resource Management Plans, developed by the land management agencies such as BLM and the Forest Service are so critical to the economic viability of these western states. When the federal land management agencies create special designations such as Wilderness Study Areas (WSA's), Areas of Critical Environmental Concern (ACEC's), Class I Air Regions, Class I Visual Resource Management Areas, National Landscape Conservation System, among other designations, the impacts to the multiple uses of public lands and to adjacent private and state trust lands can be devastating.

The FLPMA and National Forest Management Act (NFMA) mandated only a limited one time review of BLM and Forest Service lands to determine which of these lands should be recommended for Wilderness designation. The only broad scale wilderness creation effort ever authorized by congress was the 15 year Wilderness Study Area effort authorized under section 603 of FLPMA. This 15 year review was completed and submitted to congress in 1993 by the Clinton Administration identi-

fying which lands had wilderness characteristics and created the WSA's. In Utah, the Clinton Administration found 3.2 million acres of BLM land that had wilderness characteristics sufficient for WSA classification and 1.9 million of those acres suitable for wilderness designation. This is why H.R. 1581 should become law because it merely carries out the results of the FLPMA 15 year review and implements the Clinton administration's 1993 suitability recommendation which in Utah was: release 1.4 million of 3.2 million acres of WSA's for multiple use management.

In Utah, any discussion on Wilderness and Wilderness Study Areas (WSA's) involves the Southern Utah Wilderness Alliance (SUWA) an organization that has led the fight to lock up over 9.1 million acres of lands in wilderness in Utah. Although very small in numbers (less than 14,000 members, most of which do not live in Utah) yet heavily funded, this environmental organization has built its reputation by taking an uncompromising approach for single use land management and wilderness designation which includes the 9.1 million acres Red Rock Wilderness Bill. Using the federal courts, SUWA has engaged in a multitude of lawsuits against the state and counties, and in essence, the taxpayers of Utah who have expended untold millions of dollars in litigation. SUWA's strategy has been to sue, delay and stop the implementation of land management plans and actions, road's, RS2477 road designations, mining and drilling, timber harvesting resulting in economic losses of billions of dollars in revenue to the state of Utah and the federal government. SUWA is particularly focused on the OHV community and their desire to access public lands via existing county roads. The 20 year battle to maintain access to private lands, school trust lands and public lands by the Utah Association of Counties and the State of Utah has been fought with SUWA and the Utah Wilderness Alliance. The WSAs in Utah are the main reason the RS2477 road issue has taken so long to resolve even though FLPMA specifically recognized these county roads in the law.

**Background Information on SUWA:** Although this radical environmental organization has fewer members than found in a Utah legislative district they have been able to influence federal land management agencies throughout Utah. In the late 1990s, SUWA began building a large endowment from grants. The Pew Charitable Trusts and the Wyss Foundation were particularly generous. As of 2004, SUWA had amassed almost \$5 million. Swiss-born billionaire Hansjorg Wyss joined the board of SUWA in 1996 and later financed a new \$1.4 million Salt Lake City headquarters. Though SUWA has been able raise large sums of money over the last decade its membership numbers have declined 30% from a high of 20,000 to 14,000. Still, SUWA maintains that 70 percent of their funding comes from membership dues and donations, and states that roughly 80 percent of the organization's income is spent on program work. SUWA presents itself as a grass roots organization with mainly Utah membership which is far from the truth. It is in fact an elitist grant driven litigation machine. In May 2007, New York millionaire Bert Fingerhut, who served on the SUWA board of directors for 18 years, pled guilty to one count of conspiracy in connection with a plot to reap more than \$12 million in illegal profits by circumventing rules controlling how private banks are converted to public ownership. As part of his plea deal, he forfeited \$11 million. On August 3, 2007 he was sentenced to two years in federal prison. In October 2007 Mark Ristow, SUWA's treasurer and a SUWA trustee for about 20 years, pled guilty to one count of conspiracy to commit securities fraud in a scheme similar to Fingerhut's. In February 2008, he was sentenced to 20 months in federal prison and forfeiture of \$2.8 million in profits.

On March 1, 2008, a letter signed by 45 members of the Utah House of Representatives requested detailed financial records from SUWA. The letter which was addressed to then SUWA board Chairman and Swiss billionaire Hansjorg Wyss, referred to the guilty pleas of Fingerhut and Ristow and said, "given SUWA's large amount of financial contributions and outside sources of funding, and especially SUWA's long-time association with these two individuals, the citizens of Utah demand your accountability with regard to these matters." SUWA never responded to the request. Billionaire Wyss who is chairman of a medical devices company called Synthes in West Chester, Pennsylvania has his own legal problems including 52 felony counts against his company stemming from allegations that Synthes illegally experimented on patients, three of whom died. Federal prosecutors in Philadelphia did not name or charge Wyss, but their June 2009 indictment describes a "Person No. 7," who was a major shareholder and chief executive officer of the company when the alleged illegal conduct occurred, from 2001 through 2004. A Synthes representative confirmed that Wyss was CEO then.

I bring this information to the committee's attention simply for the reason that while as an elected official in the State of Utah, I have some minimal influence over the use of public lands in my district. However, it pales in comparison to the influence of these wealthy foundations, and the Grant Driven Green Groups such as

SUWA that they support. SUWA and other environmental organizations are having undue influence in my district, my state, and on the public lands throughout the west in general. I don't believe that the United States Congress ever intended for this to happen. The Sagebrush Rebellion of the 1970's and 1980's has re-emerged in Utah. For the third year in a row, thousands of Utahans who want equal access and multiple use of the public lands in Utah will be again marching to the Utah Capitol August 20th, to demand that Utah be allowed to have more input into how public lands in Utah are managed.

I am excited about H.R. 1581 and would like to see it signed into law as it would help settle a this contentious debate over how public lands designated as Wilderness Study Areas are managed in Utah. At present, these WSA are not managed for multiple uses. They are simply put off limits to any type of management. Kane County is known as Little Hollywood where over 160 mostly western movies have been filmed. Gunsmoke, How the West Was Won, and Maverick are just a few of the old westerns that we all remember and love were filmed in the county. Wilderness and WSA's are so restrictive such that a commercial film or even still photo cannot be done in a WSA. It is time to release those acres that were found unsuitable. Management of these non-suitable lands is more restrictive than designated wilderness. In addition, passing HR1581 would help settle the majority of the RS2477 road litigation and quiet title actions that are literally filling the federal courts in Utah thereby wasting precious state and federal monies.

In conclusion, I quote at statement on the website of one grant driven environmental organization (the Pew Environment Group) regarding their strong opposition to the proposed legislation. "This legislation would take away protections that have been in place for decades, including those for our most pristine backcountry. America's tradition of managing our lands on the multiple use principle would be upended. Mining, logging and drilling are already allowed on more than half of our national forests and other public lands. This legislation proposes to open up most of the rest putting drinking water for 60 million Americans at risk, compromising outdoor recreation and the billions of dollars in revenue it generates annually, damaging fish and wildlife habitat, and undoing years of work by lawmakers and diverse stakeholders to craft balanced land use proposals." This statement is pure fiction and like SUWA they distort the truth by calling Wilderness multiple use management, when it is common knowledge that WSA designations preclude almost any other use of the protected lands. In regard the statement that drinking water would be put at risk by removing WSA designations, the truth is that the creation of WSA's and Wilderness Areas does more to put drinking water at risk by allowing uncontrolled wildfires, beetle infestations of forests, erosion of soils in critical watersheds and by generally eliminating the ability to maintain watersheds in good ecological conditions via vegetative manipulation.

I support this legislation and would like the congress to go one step further which is to allow the 11 individual western public land states to manage the BLM lands and Forest Service lands within their boundaries. I think the savings to the federal treasury would be huge and the revenues to the states and the federal government would be greatly increased. In 1976 the BLM was returning billions of dollars each year to the federal treasury. In fact only the IRS contributed more to the federal budget than the BLM. The radical shift from multiple use management to what is essentially a lock it up and keep the public and resource users off the land has resulted in another federal agency that spends more money than it takes in. FLPMA states that " the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21a), (13) the Federal Government should, on a basis equitable to both the Federal and local taxpayer, provide for payments to compensate States and local governments for burdens created as a result of the immunity of Federal lands from State and local taxation. Utah doesn't want the federal government paying us for the loss of taxation that if properly managed could in fact come from these federal lands. I believe Utahans and most westerners just want the federal government to allow the states to management these public lands for multiple use and sustained yield.

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Mr. BISHOP. Thank you, Representative. Commissioner Connelly.

**STATEMENT OF HON. KENT CONNELLY,  
COUNTY COMMISSIONER, LINCOLN COUNTY, WYOMING**

Mr. CONNELLY. Thank you, Mr. Chairman. I do appreciate that you bring the local level in here. When Mr. Noel said that they were down close to the public, I am representing the public here today. The public themselves call me constantly on this issue. Up before you is a map that we sent out to you. I would like you to take a good look at it if you would. As a Commissioner, I come from an extensive background in a lot of different areas, but I also sit as a cooperating agency on 13 different plans right at the moment, so I have a broad spectrum of how many things are going on on these lands that you are discussing.

The map before you, if you look dead center in it, there is one white area right in the middle. There is a road at the top of that map right there where you come to an intersection where I have been to nine recent Forest Service meetings. The discussion at that meeting is this. You can go over here on your side, this side over here, and it says not suitable for sedans. You can come back to the other side over here and it is a scenic byway. That scenic byway was built in cooperation with the Forest Service and the taxpayers' money, who I represent.

The way you can't go on with the sedan, you can go in there and do treatments and get some of the logs out. The Bridger-Teton National Forest projection for 2013 is 90 percent of it will be dead. If you were to allow that to happen in Washington, D.C., right here, I would challenge you to be able to say to you, would you be doing something about it? Would you be getting rid of those trees so that they don't burn you down? Because in this same map, take a very good look over toward the bottom, that is the watershed for five communities.

Inside of that watershed, yes it is pristine, but it is also a place where the water comes out of the ground, you know, the size of this room, literally. Goes about two miles, drops into a sink. In that sink in there then it is naturally filtered and comes back up for the drinking water I use in my home. In a recent meeting at that intersection with the Forest Service the discussion was this. We don't dare go off the road for 300 feet, it is designated roadless.

And when they argue the 300 feet, don't think that they are not handcuffed, because they will stand right there in those meetings and tell you, we don't know whether that is this tree that is 300 foot tall or this one that is 300 foot tall. We are only talking about 300 feet of coverage, that particular area, not when it burns, I mean if it burns, it is when, bottom line. Because the map you are looking at when you go north is Yellowstone, it is the Tetons, it is the Wind Rivers. Those is what is north of me up there.

I watched Yellowstone burn. As a Commissioner, we already have an emergency declaration in place that we took to the Governor of the State of Wyoming because of the pending disaster that poses in this area right here. We are working with the Forest Service to try to get this taken care of so that I don't lose the watershed. Anybody that tells you that a roadless area protects the water needs to come to my area. We will give you a hands on look at it, any time you would like to come, and anybody that doesn't think the Forest Service isn't handcuffed by these.

The two other gray areas out there, those are WSAs. They have been there the entire time as this goes on. Both of those are skirted by roads. Remember the green area you are looking at is listed as roadless, and as you look at all the squiggly lines, by the way that is a roadless area with roads in it. There is not one of those roads, by the way, that has had a blade on them that the county and my taxpayers hasn't been able to put money into, the Forest Service doesn't have the money to do it, they are not maintaining their roads.

All you have to do is show up and take a look, don't take my word for it, don't take an impassioned speech at this table. On the ground this is what is going on up there. This is a roadless area with roads in it, it is impacting a watershed. The WSAs, I am in my second term as a County Commissioner, I have never sat in a meeting, I am on 13 cooperating agencies, I have never sat in a meeting and discussed what is going on in there. The BLM doesn't have enough money to literally take care of their restrooms out in these outlying areas let alone sit down in a meeting and discuss what they are going to do in a WSA.

I will say that again, they come to me to clean their restrooms. My taxpayers, what do they tell me when they call me? They want to know what is going on with the National Forests because they drive up a road and it says roadless. They don't know what else to do but turn around and go home. There are 2,000 four-wheelers come through my community every Saturday, they are going somewhere. They are going into areas that people don't know what to do and how to handle them.

I am going to leave you with one final thing so I can keep this moving forward. This is of particular interest to me as a taxpayer also. The Federal fire budget is in the billions. When you were managing the forest and taking care of it as a renewable resource, they were in the millions. Where are we spending our billions versus our millions? Thank you.

[The prepared statement of Mr. Connelly follows:]

**Statement of Kent Connelly, Chairman of the Board of Lincoln County Commission, Lincoln County, Wyoming; Chairman of the Coalition of Local Governments (Lincoln, Uinta, Sublette, Sweetwater Counties Wyoming), on "Wilderness and Roadless Area Release Act of 2011."**

By January 2001, inventoried roadless areas had been evaluated for potential wilderness in the planning process for the development or revision of land management plans for all units of the National Forest System. The inventoried roadless areas were evaluated for potential recommendation as wilderness in the plan development and revision processes. Based on site-specific analyses during the planning process and public involvement, management direction was developed for inventoried roadless areas during the planning process that included: (1) protection of wilderness values in relation to an administrative recommendation to Congress that the area be designated wilderness; (2) total or partial restriction of certain uses and development activities such as road construction or timber management; or (3) minimal restrictions to resource management and development actions and other allowable uses.

However, in 2001, via a legally infirm rulemaking, the Clinton Administration fundamentally changed the Forest Service's longstanding approach to management of inventoried roadless areas by establishing nationwide prohibitions generally limiting, with some exceptions, timber harvest, road construction, and road reconstruction within these areas of the National Forest System. These nationally-applied prohibitions superseded the management prescriptions for inventoried roadless areas applied through the development of individual land management plans as described

above, and would not have been able to be revisited through subsequent plan amendments or revisions.

Since the 2001 Roadless Rule's promulgation, there have been nine lawsuits filed in United States District Courts in Idaho, Utah, North Dakota, Alaska, the District of Columbia, and Wyoming. In fact, Wyoming is still currently involved in active litigation over the 2001 Roadless Rule.

Notably, on July 14, 2003, the U.S. District Court for the District of Wyoming issued a permanent injunction and set aside the 2001 Roadless Rule. The District Court held that the Roadless Rule was both procedurally and substantively unlawful under the National Environmental Policy Act and the Wilderness Act of 1964, in part because the timber harvest and road construction prohibitions constituted the establishment of *de facto* wilderness, and pursuant to the Wilderness Act, only Congress can designate wilderness areas.

In response to the Wyoming District Court's holding, then-Agriculture Secretary Ann M. Veneman proposed a new rule that would establish a process for individual governors to work with the Forest Service to develop locally-supported rules for conserving roadless areas in their respective states. After a lengthy comment period during which 1.8 million comments were received, on May 5, 2005, the State Petitions Rule was issued, replacing the 2001 Roadless Rule.

Some of the key features of the State Petitions Rule include: (1) Governors had until November 13, 2006, to submit a petition to the Secretary of Agriculture for rulemaking; (2) The process was voluntary. If a Governor did not want to propose changes to the existing management requirements for inventoried roadless areas contained in currently approved land management plans, then no petition need be submitted; (3) the Secretary would then establish a national advisory committee to assist with the implementation of this rule. Members of this committee would be representatives of national organizations interested in conservation and management of inventoried roadless areas; (4) the advisory committee members have 90 days to review each petition submitted and provide the Secretary with advice and recommendations, with a response due from the Secretary within 180 days to the state petitioner.

After the State Petitions Rule was promulgated, several states and environmental groups challenged its propriety in the U.S. District Court for the Northern District of California. *See California ex rel. Lockyer v. USDA*, 450 F. Supp. 2d 874 (N.D. Cal 2006). The *Lockyer* District Court held that the State Petitions Rule was also unlawfully promulgated and set it aside. In the meantime, the District of Wyoming's order setting aside the 2001 Roadless Rule was vacated on appeal by the Tenth Circuit Court of Appeals. As a result, the *Lockyer* District Court reinstated the 2001 Roadless Rule. In light of the reinstatement of the Roadless Rule and the vacatur of the State Petitions Rule, on January 12, 2007, the State of Wyoming renewed its challenges to the 2001 Roadless Rule in the U.S. District Court for the District of Wyoming. On August 12, 2008, the District Court once again held that the 2001 Roadless Rule violated the National Environmental Policy Act and the Wilderness Act, and again set aside the 2001 Roadless Rule. After the second District of Wyoming judgment was entered, the Forest Service appealed that decision to the Tenth Circuit Court of Appeals. The case has been fully briefed and argued, and the State of Wyoming has been awaiting a decision from the Tenth Circuit for more than sixteen months.

In 2009, the Secretary of Agriculture withheld final approval of all decisions affecting inventoried roadless areas, even though the Wyoming District Court held that the 2001 Roadless Rule was unlawful. The Secretary has delegated this approval authority to the Chief of the Forest Service. The effective result is that local and regional Forest Service officials cannot approve any forest management activity, such as logging or vegetation treatments, that involves road construction or reconstruction without approval from the Chief and the Secretary of Agriculture. This approval has not been given, despite meetings with the Under Secretary.

The legal wrangling which has ensued has caused substantial impairment to local and state policymakers in addition to local federal land managers, leaving them unable to make sound, responsible decisions related to active forest management. Until the case is decided by the Tenth Circuit Court of Appeals, the Wyoming District Court's setting aside of the 2001 Roadless Rule is the current "law of the land" within Wyoming. However, the question that policy makers and land managers struggle with is how to actively engage in management practices on lands that are designated as inventoried roadless areas. This legal no man's land and the tremendous confusion in Wyoming about the legal authority to take action have resulted in many Forest Service managers electing to take no action, leaving the National Forests effectively unmanaged. As a consequence, and despite the the Wyoming District Court's order holding the Rule unlawful, inventoried roadless areas continue to be



treated as *de facto* wilderness areas. As it now stands, for any action to be taken by the Forest Service in an inventoried roadless area, the Forest Service must embark on a lengthy and costly process yielding a document similar to an environmental impact statement, and then ask the Secretary of Agriculture, through the Chief of the Forest Service for final approval. This adds additional layers of unnecessary governmental “red tape,” meanwhile, our already stressed forests continue to degrade.

The enacting of the Wilderness and Roadless Area Release Act of 2011 will enable Forest System lands to be freed from the bureaucratic trap in which they are undeniably held. There are hundreds of thousands of acres of Forest System lands designated as inventoried roadless areas that have not been designated as wilderness and were not recommended for designation as wilderness. Yet, these lands continue to be treated as *de facto* wilderness areas with burdensome restrictions placed on development in order to protect the areas’ “roadless characteristics.” The economic, social, and health consequences to the State of Wyoming are incalculable as our beautiful forests continue to be ravaged by drought, overcrowding, wildfire, and bark beetle epidemics.

Locally, inventoried roadless areas in Lincoln and Sublette Counties total more than 1.4 million acres, or about one-third of the inventoried roadless areas in the State of Wyoming, specifically: (1) the Grey Back Ridge roadless area encompasses 301,136 acres, (2) Gannett Hills Spring Creek encompasses 45,460 acres, (3) South Wyoming Range includes 85,774 acres, (4) Salt River Range encompasses 241,494, (5) Riley Ridge encompasses 4,765 acres, (6) Nugent Park Ham’s Fork Ridge encompasses 21,241 acres, (7) North Mountain encompasses 9,798 acres, (8) Munger Mountain encompasses 12,826 acres, (9) Little Cottonwood encompasses 5,468 acres, (10) Lake Alice Commissary Ridge encompasses 166,705 acres, and (11) the West Slope area encompasses 143,248 acres. Further, there are another 30,000 acres of lands classified as roadless on the Ashley National Forest in the Flaming Gorge National Recreation Area. These lands are located in Uinta and Sweetwater Counties to the south of Lincoln County and are used widely by Lincoln County residents.

#### **Local Effects of Current “Roadless” Management:**

Critically important to Lincoln County is the Bridger-Teton National Forest (BTNF). This Forest encompasses over 3.4 million acres of some of Wyoming’s most scenic landscape. The Forest is located in western Wyoming in close proximity to Grand Teton and Yellowstone National Parks. In fact, the BTNF is a major component of the Great Yellowstone Ecosystem and is a repository for some of the Nation’s most important natural assets. In 2001, the Secretary of Agriculture identified more than 3.2 million acres of inventoried roadless conservation areas in Wyoming of which 1.4 million acres are in the Bridger-Teton National Forest. Of the 872,739 acres encompassed by the Bridger-Teton National Forest, 80% or 702,594 acres are classified as inventoried roadless areas.

The Bridger-Teton National Forest straddles five Wyoming Counties: Fremont, Lincoln, Park, Sublette, and Teton. In four of these counties (Park County is excluded in the analysis due to its geographic location) over 80,000 residents are employed in more than 60,000 jobs. These workers earn over \$1.75 billion per year with a mean annual wage of about \$29,000. According to a 2004 estimate, personal income in the region totaled approximately \$3.18 billion. This figure includes government transfer payments and investment income as well as labor earnings to residents.

Due to its natural amenities, Lincoln County draws a significant number of outdoor recreation enthusiasts of all types. The County’s economy reflects this, with its high levels of travel and tourism and second home development. Additionally, mineral development has become significantly more important to the region with the discovery of large deposits of natural gas. Moreover, agriculture remains an important part of the regional economy and lifestyle.

In the absence of the clear ability to manage National Forest System lands, Wyoming, and specifically Lincoln County, is losing valuable resources every day.

#### **Wood Products:**

A total of 2.8 million board feet (MMBF) of timber was commercially harvested in the five BTNF Counties in 2005. Of this total 1.8 MMBF (62.4%) was harvested in Fremont County, 1.0 MMBF (35.0%) was harvested in Lincoln County, 42,000 board feet (1.5%) was harvested in Teton County, and 23,000 board feet (0.8%) was harvested in Sublette County. These figures represent harvest from all types of land, not just the BTNF.

There were a total of 15 wood product facilities in four of the BTNF Counties in 2005: 6 sawmills, 5 log home operations, 3 log furniture operations, and 1 post and

pole operation. With the decline of access to a stable supply of timber, the labor earnings from the lumber and wood products industry declined steadily from approximately \$19.1 million in 1978 to just \$2.0 million in 2000.

#### **Permitted Livestock Grazing:**

Data from the U.S. Department of Commerce's Bureau of Economic Analysis indicate that the gross revenue for agricultural operations in the five BTNF Counties was \$153.4 million in 2004. Of this total \$121.2 million (79%) came from livestock operations, \$19.1 million (13%) came from crop production, and \$13.1 million (9%) came from other sources. Clearly, livestock production is critically important to these Counties.

Between 1970 and 2006 the beef cow inventory for the BTNF Counties averaged nearly 120,000 head. During the same time period, 1970 to 2006, the sheep inventory of the BTNF Counties declined substantially. In 1970, the total breeding sheep inventory in the four county area was nearly 200,000 head.

Currently, there are approximately 122 permits to graze cattle and 12 permits for sheep grazing on the BTNF. These grazing permits currently support approximately 39,000 head of cattle and 51,370 head of sheep.

#### **Wildlife and Big Game:**

According to the Wyoming Game and Fish Department, the BTNF provides 32 percent of the total seasonal range, 40 percent of the spring/summer/fall seasonal range and 76 percent of the migration corridors for elk in the four county area. Elk, deer, and pronghorn hunting resulted in over 300,000 hunter days annually in the region. This hunting generated \$57.7 million in revenue. The non-local portion of these revenues supported 1,828 jobs and \$26.7 million in labor earnings. The average earnings per job for this employment were \$14,610. Accordingly, the BTNF plays a significant role in supporting this economic activity in Lincoln County.

Fishing is estimated to represent about 4.3 percent of the 2.8 million annual visits to the BTNF. This represents approximately 120,000 annual fishing related visits. Of these visits, 84,000 (70%) were estimated to be by non-local visitors, supporting 100 jobs in the local economy and generating \$2.2 million in labor earnings.

#### **Revenue Impacts:**

Revenue impacts felt in Lincoln County include: (1) foregone energy development, yielding less sales and use tax revenues and fewer local jobs; (2) a truly glacial pace of vegetation treatments and logging, again yielding fewer sales and use tax revenues and fewer local jobs; (3) decreased tourism, and its attendant decrease in local economic activity, due to reduced access; and (4) severe economic impacts should catastrophic wildfire destroy large areas of the County and force people from their homes and displace wildlife.

These are the concrete impacts from the current Forest Service management of inventoried roadless areas that Lincoln County faces each year the Forest Service fails to follow the law and address the serious resource issues after being asked time and time again by local elected officials.

#### **Minerals:**

In 2006, in four of the five Counties in the BTNF area, the total mineral assessed valuation was \$5.9 billion. Of that total, natural gas production represented more than 90% of the mineral assessed valuation, crude oil represented nearly 7%, coal represented slightly more than 1%, and sand and gravel represented slightly less than 1%.

The only non-energy mineral production operations occurring in the BTNF are sand and gravel operations and landscape rock production. These commodities are important to two sectors of Wyoming's economy: transportation, where these common varieties are necessary for road maintenance and winter sanding; and the construction sector, where concrete and landscaping stone are employed. Indeed, almost 1.8 million tons of sand and gravel was produced in the region in 2005, employing 232 people.

#### **Energy Resources:**

The assessed valuation of natural gas in the BTNF Counties has increased more than 17 times, from \$273.4 million in 1990 to \$4.7 billion in 2006. Currently, 150,587 acres of the BTNF are leased for energy development and the leases for 44,600 additional acres are under appeal. In the BTNF, at least 14 gas wells are currently in production. In 2004, those wells produced 131.0 billion cubic feet, up from 81.5 billion cubic feet in 1987. It is estimated that the 2005 natural gas production on the BTNF had a value of \$822.1 million. Moreover, it is estimated that BTNF natural gas production supported 248 jobs (direct and secondary) throughout

the economies of Lincoln, Sublette, and Sweetwater Counties. Labor earnings associated with that employment were estimated to be nearly \$13 million. Tax revenues collected in 2005 from natural gas generated in the BTNF were \$35.7 million in *ad valorem* taxes, \$34.3 million in severance taxes and \$30.8 million in federal mineral royalties for Wyoming. The total tax revenue to Wyoming from the 2005 production was estimated to be \$100.9 million.

#### **Energy Projects:**

Energy projects, which hold promise for jobs and revenues in the communities of Lincoln County, have been canceled, put on hold or otherwise reversed, in large part due to the impacts on these inventoried roadless areas. While the Forest Service has repeatedly stated that the 2001 Roadless Rule does not preclude mineral leasing, the process to offer a lease has been delayed time and again without a decision and with the outcome that energy development in Lincoln County has been stymied. Examples of this delay to development include: (1) an environmental impact statement (EIS) supporting a 44,720 acre lease was appealed, reversed, and its analysis revised. Despite that, no decision is slated until December 2012 (Lincoln County does not expect that deadline to be met); (2) a 2008 Geothermal programmatic EIS was approved but the project was then cancelled in 2010; (3) True Oil's master development plan has been placed on hold; (4) Noble and Plains' exploration development plan has also been placed on hold; and (5) rights-of-way for wind electricity or natural gas are continuously directed away from National Forest System lands.

#### **Visitor Amenities:**

In 2005, the estimate for visitor spending in four of the five BTNF Counties was \$682.5 million. These expenditures represent overnight trips to the area that were not of a local commuting nature. Direct employment from travel spending in the four County region was calculated in 2005 to be 8,690 jobs. What these figures demonstrate is that that BTNF is a cornerstone of the local economies. Lincoln County has suffered significant impacts due to the continued implementation of the 2001 Roadless Rule.

#### **Local Access Issues:**

Inventoried roadless areas in the BTNF actually contain many roads that provide critical access to homes, recreation, hunting, and livestock grazing permittees. Access to and through the National Forest is essential to the citizens of Lincoln County and other surrounding counties. We have large areas of Forest that are within the "roadless" boundary where there are contour ditches, previous timber harvests, and engineered roads. These areas should not have been classified as "roadless," yet continue to be classified as such. Please refer to Exhibit 1 for a map depicting the Lincoln County areas described.

The limits on land uses in roadless areas are felt throughout Lincoln County. The Lincoln Board of County Commissioners is repeatedly faced with these limits. For example, the Forest Service has undertaken unannounced road closures in the roadless areas, without notifying the county governments, permittees, or the public. In one sadly comical case in the summer of 2008, the Forest Service landlocked a sheep permittee by placing trees across the road. The road closure prevented him from driving out with his sheep after grazing on the National Forest during the summer. In fact, the Forest Service has unilaterally closed many popular forest roads in Lincoln County in the BTNF. Again we find this most often occurs in the inventoried roadless areas, with the effect of denying access to hunters and recreationists as well as ranchers who have grazing permits.

#### **Catastrophic Fire Danger:**

Catastrophic wildfire in the BTNF is imminent. At this point, it could be any day when hundreds of thousands of acres of Forest System lands erupt in conflagration. Though direly needed, hazardous fuels reduction projects simply are not conducted in inventoried roadless areas. Moreover, Lincoln County estimates that between 40 and 50 percent of the lands on its National Forests are composed of diseased timber, trees infested with pine beetle, or both. Statewide, by 2010, Wyoming has experienced 3.1 million acres of tree mortality due to bark beetle since the mid-1990s. Clearly, this is a ticking time bomb that will result in western Wyoming looking like the gates of hell, much like northeastern Arizona did earlier this summer when uncontrollable flames erupted.

The Forest Service has recognized this situation for more than seven years but has not exhibited either the will or the ability to address the threats of catastrophic wildfire. Lincoln County at one point has had to rescind its memorandum of cooperation with Forest Service fire agencies due to the high risk of fire and the agen-

cy's unwillingness to conduct fuel management that might mitigate or prevent wildfire.

Had Lincoln County not seen a high snowfall during the winter and a wet spring, there could have been extensive, devastating wildfires already this year. And we are not in the clear just because the moisture levels have increased in the local trees, shrubs, and grasses. Indeed, heavy winter and spring precipitation have increased the amount of on-the-ground vegetation, which, once dried in the summer and fall months, will yield even higher fuel loads that will readily support a wildfire. At the same time, western Wyoming has long suffered from drought, contributing to the current epidemic of pine beetles and related pine diseases. These effected trees are dead or rapidly dying.

As another justification for denying wildfire mitigation projects, the Forest Service points to a perceived need to conserve habitat for Canada lynx. Apparently little or no thought is given to the significant loss of Canada lynx habitat that will occur if western Wyoming suffers the catastrophic wildfire that it is sure to result unless fuel mitigation projects are allowed to go forward. The Forest Service rarely acknowledges the other environmental impacts of wildfires, like soil erosion, noxious weed invasions, and the direct mortality of wildlife, not to mention air quality degradation.

Moreover, the stream degradation that will surely result from wildfire will significantly impact local water supplies. In Lincoln County, the Hams Fork Drainage is the major municipal water supply for five Wyoming towns. When the Forest burns and the watershed is destroyed, where will these municipal residents find domestic water? How will the livestock and wildlife drink? These are issues that remain in the forefront of discussion of which there does not seem to be no satisfactory answers from the Forest Service.

#### **Vegetation Management:**

Vegetation management projects that are proposed and actually implemented are very small in comparison to the size of the problem. The salvage and vegetation treatments that are approved involve a scant few hundred acres each, despite that more than a million acres are at risk. It is more alarming that these projects often have been delayed or abandoned altogether. Included is a specific list of local efforts which have been stymied: (1) the LaBarge Aspen treatment was put on hold, revised, and now may be implemented in September 2012; (2) the Pine Creek vegetation treatment has also been put on hold; (3) the Hams Fork vegetation treatment has now entered a scoping period; (4) the Star Valley vegetation treatment environmental assessment was scoped in 2011 but has resulted in no further movement; (5) the Hobbie Creek treatment has been canceled; and, (6) the Pole Creek project was started in 2010 and took more than a year to complete.

Without proper vegetation management, flooding and redirection of stream flow is of crucial concern in many Wyoming Counties. This year, Carbon County experienced an unprecedented amount of water flow causing serious and catastrophic flood levels. It cannot be ignored that much of the Medicine Bow National Forest's timber is dead and those stands that would have mitigated runoff are no longer functioning. Four people have died as a result of the flooding. It is time that the Forest Service take proactive steps regarding vegetation management instead of waiting for more people to lose their lives in unnatural flood events.

#### **Conclusion**

With 2,619,816 acres of federal lands in Lincoln County, the local economy depends on multiple use principles that support our existing customs and culture. People do not live and work in Wyoming to go to the opera. We are here because we love to hunt, fish, ride our horses, hike, camp and use our four-wheelers. Certainly most of our photo albums contain pictures of the wide open spaces and breathtaking views, but nearly every picture also contains us. We are hunting. We are fishing. We are hiking. We are moving cows. We are drilling. We are out there. This is truly our custom and our culture, in addition to being a mainstay of our way of life and our way of making a living.

If Teddy Roosevelt and Gifford Pinchot were alive today, they would be appalled at the forest conditions in Wyoming. Consider the following statement from Theodore Roosevelt to the Society of American Foresters in 1903:

"And now, first and foremost, you can never afford to forget for one moment what is the object of our forest policy. That object is not to preserve the forests because they are beautiful, though that is good in itself, nor because they are refuges for wild creatures of wilderness, though that, too, is good in itself, but the primary object of our forest policy, as the land policy of

the United States, is the making of prosperous homes. . . Every other consideration comes as secondary."

"You yourselves have got to keep this practical object before your minds; to remember that a forest which contributes nothing to wealth, progress or safety of the country is of no interest to the Government, and should be of little interest to the forester. Your attention must be directed to the preservation of forests, not as an end in itself, but as a means of preserving and increasing the prosperity of the nation." (Evergreen Magazine, Winter 1994-1995 Edition).

To close, in the absence of clear statutory authorization to release these areas of land that we call "roadless" that are stuck in federal governmental purgatory, Wyoming County Commissioners continue to be placed in a position with their constituents that defies all reason or common sense. Almost daily, County Commissioners are asked by citizens, "Why can't we just cut them down and put them to a good use, instead of seeing our beautiful sea of green turn to a dismal black?" Another frequent question is, "What do you mean this area is 'roadless' there are several roads already in the forest?"

My fellow County Commissioners and I are asked to answer these questions daily; we are without the ability to give an answer because of inconsistent federal practices and layer upon layer of governmental process. Our Forests are part of our identity in Wyoming, and the wildlife that resides there embodies the spirit of our State. As inventoried roadless areas are being lost simply because of a lack of active forest management, the United States government is doing irreparable harm to our environment, our economy, but more importantly, our state and local customs and culture. This waste is reprehensible and cannot be permitted to continue. The examples provided in this testimony are real and the economics associated with this ill-thought policy are real for working Wyoming citizens determined to make a living and remain in the place where they love.

Only Congress can designate a wilderness area, and with the proposed legislation, we will once again return to the Congressional intent of the Wilderness Act, not the poorly conceived agency rules or the political pressures placed by environmentalists that forever change the Wyoming landscape, and not for the better.

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Mr. BISHOP. Thank you, Commissioner. Mr. Kleen?

**STATEMENT OF DAN KLEEN, PRESIDENT, NATIONAL OFF-HIGHWAY VEHICLE CONSERVATION COUNCIL**

Mr. KLEEN. Thank you, Mr. Chairman and distinguished Subcommittee members. My name is Dan Kleen, I live in Pocahontas, Iowa, I am President of the Board of Directors of the National Off-Highway Vehicle Conservation Council, or NOHVCC, and I appreciate this opportunity to testify before you today in support of H.R. 1581 and to share with you a different point of view when it comes to access to our public lands. I have been involved with NOHVCC for 16 years and I have also been involved with the Iowa Off-Highway Vehicle Association for more than 20 years.

My involvement with these groups has not only allowed me to meet with some super people in this country, but it has also given me the opportunity to visit and enjoy some of our beautiful public lands. I have been able to ride in 19 states and parts of Canada, and I have truly appreciated each trip. None of these experiences would have been possible for me without my use of my OHVs.

Many of the areas I have had the privilege of riding were in Forest Service lands or Bureau of Land Management lands. I would support H.R. 1581 which would release these areas that have been deemed unsuitable for wilderness designation by the appropriate agency and to allow them to be used for multiple uses. While I understand that OHV recreation isn't acceptable on every acre of public land, I believe that managers should have the ability

to manage and H.R. 1581 would allow them to make better decisions on these areas that have been locked up for decades.

Almost 20 percent of Americans are living with some sort of disability. This is the combined populations of California and Florida. Wheelchair users like myself make up for 3.3 million of that total. When you look at the aging of America, it is estimated by 2030 71 and a half million Americans will be over the age of 65. One in every five of us in this room either are already dealing with some sort of disability or may have to deal with a disability in our lifetime. Hopefully all of us will get to deal with the aging issue.

How and where Americans with special needs choose to recreate with their families friends may vary. For myself and many others off-highway vehicles make it possible to participate in and enjoy more experiences while lessening the burden on those we want to spend time with. Improving independence for people with disabilities also improves quality of life. In 1987 I was injured in a diving accident. I am an incomplete C-6 quadriplegic and a full time wheelchair user.

I spent nine months in the rehab hospital. During that stay, I spent a lot of time thinking of how I may adapt to continue to get outdoors and enjoy my favorite sports. At that time many off-highway vehicles were less user friendly and for people with limited mobility than they are today. But now many machines can be used with little or no modifications, making them easier and less expensive to use. Automotive type hand controls which have been used for years can easily be adapted to recreational off-highway vehicles are commonly called side by sides.

We have been able to introduce several of our wounded veterans who have suffered lower leg amputations to our sport with the help of this type of hand control modifications. It has been a long personal goal to establish a national program to introduce wounded veterans to the experience that off-highway vehicles can provide. Through NOHVCC and other organizations I hope to get such a program off the ground in the future.

I would like to share with you one particular ride that stands out. As we were getting ready to leave Richfield, Utah, on our ATVs, another small group of riders stopped and asked us for suggestions on trails that they may enjoy that day. We invited them to join us on our ride. Our destination was Monroe Mountain, more than a 70-mile ride that would take us through parts of the Fishlake National Forest and the Richfield District of the BLM, Monroe Mountain is still one of my favorite places to visit.

When we and our new friends arrived at the top of the 11,200-foot peak, I told one of them that if she wanted to talk to God it was a local call from up here. That particular day I did not take my wheelchair with me, and it was not until that evening and we returned back to Richfield and I got off my ATV back in my wheelchair that our new friends even realized I had a disability.

One of them had a pretty good laugh and commented that I had just ridden over 70 miles up over 11,000 feet and without a problem, but when I got back to the parking lot a six-inch curb made me push a half a block out of the way to join them at the campfire. I sometimes wonder, in closing, I wish you would consider these access opportunities of the 54 million Americans with disabilities are

elderly and veterans on your decision on H.R. 1581 or any other possible legislation for public responsible access. Thank you.

[The prepared statement of Mr. Kleen follows:]

**Statement of Dan Kleen, President, Board of Directors,  
National Off-Highway Vehicle Conservation Council**

Good Morning, Mr. Chairman and Distinguished Subcommittee Members.

My name is Dan Kleen, I live in Pocahontas, Iowa. I am the President of the Board of Directors for the National off-Highway Vehicle Conservation Council (NOHVCC) and I appreciate this opportunity to testify before you today in support of H.R. 1581 and to share with you a different point of view when it comes to access to our Public Lands.

I have been involved with NOHVCC for 16 years, and I have also been involved with the Iowa Off-Highway Vehicle Association for more than 20 years. My involvement with these groups has not only allowed me to meet some great people, it has given me the opportunity to visit and enjoy some of our beautiful Public Lands. I have been able to ride in California, Oregon, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, New Mexico, Texas, Nebraska, South Dakota, Wisconsin, Iowa, Missouri, Michigan, Ohio, West Virginia, North Carolina and parts of Canada. I have truly appreciated and enjoyed each trip. None of these great experiences would have been possible without the use of my Off-Highway Vehicles.

Many of the areas I had the privilege of riding were on Forest Service and Bureau of Land Management lands. As a result I support H.R. 1581, which would release areas that have been deemed not suitable for wilderness designation by the appropriate agency and allow them to be used for multiple uses. While I understand that OHV recreation isn't appropriate on every acre of public land, I believe that land managers should have the ability to manage and H.R. 1581 would allow them to make better decisions on areas that have been in limbo for decades.

I would also like to take this opportunity to share with you how many of the over 54 million Americans with disabilities may use Off-Highway Vehicles (ATVs, Side by Sides, Motorcycles, Full Size 4X4s and other vehicles) to recreate on some of our nation's most beautiful areas with our families and friends.

Almost 20% of Americans are living with some sort of disability. That is the combined populations of California and Florida. Wheelchair users like myself make up 3.3 million of that total. When you look at the aging of America it is estimated that by 2030, 71.5 million Americans will be over the age of 65. One in every Five of us in this room are already dealing with, or may have to deal with a disability in our lifetime. Hopefully all of us will get to deal with the aging issue.

How and where Americans with special needs choose to recreate with their families and friends may vary. For myself, and many others, Off-Highway Vehicles make it possible to participate in and enjoy more experiences while lessening the burden to those we want to spend time with. Improving independence for people with disabilities also improves quality of life.

I grew up on an Iowa farm. Some of my fondest memories are of hunting, fishing, riding motorcycles, snowmobiles and horses with my family and friends. In 1987 I was injured in a diving accident, I'm an incomplete C-6 quadriplegic and a fulltime wheelchair user. I spent 9 months in a Rehab Hospital and during that stay I spent a lot of time thinking about how I would need to adapt to continue to get outdoors to enjoy my favorite sports.

At that time most Off-Highway Vehicles were less user friendly for people with limited mobility than they are today. But now many machines can be used with little or no modification, making them much easier and less expensive to use. Automotive style hand controls that have been used for years can easily be adapted for use on Recreational Off-Highway Vehicles (commonly called, Side by Sides). We have been able to introduce several of our wounded veterans who have suffered lower leg amputations to our sport with the help of this type of hand control modifications. It has long been a personal goal to establish a national program to introduce wounded veterans to the experience that off-highway vehicles can provide. Through NOHVCC and other organizations we hope to get such a program off the ground in the future.

One example of what an outreach group can accomplish is the Adaptive Sportsmen group located in Wisconsin. For the last 7 years they have held an annual 2-day ATV ride for people with disabilities in northern Wisconsin with 25 to 30 riders participating each year. This has been a very successful program. Several of the new riders being introduced to the sport at these rides have commented that learning

from and riding with an experienced rider who also has a disability made it much more enjoyable.

I would like to share with you one ride in particular that stands out. It was a beautiful September day in Utah. As we were getting ready to leave Richfield, Utah on our ATVs another small group of riders stopped us and asked us for suggestions of trails they may enjoy riding that day. We invited them to join us on our ride. Our destination was Monroe Mountain. A more than 70 mile ride that would take us through parts of the Fish Lake National Forest and the Richfield District of the BLM. Monroe Mountain is still one of my favorite places to visit. When we and our new friends arrived on the top of the 11,200 foot peak I told one of them that if she would like to talk to God it is a local call from up here. That particular day I did not take my wheelchair with me on my ATV. And it was not until that evening when we returned to Richfield and I got off my ATV that our new friends even released I had a disability. We had a pretty good laugh when one of them commented that I had just ridden over 70 miles and up over 11,000 feet without a problem and yet a 6 inch curb in the parking lot made me push my wheelchair over a ½ block out of my way to join them at the campfire.

I sometimes wonder that if being from Iowa where we have no Federal lands to enjoy and where 98% of our State is privately owned does not make me appreciate each of the Nation's public areas I have visited even more. I do know that without the opportunity to responsibly use my Off-Highway Vehicles on these Public Lands I could not have enjoyed them.

In closing, I ask you to please consider the access opportunities of the 54 million Americans with disabilities, our elderly and veterans in your decision on H.R. 1581 and any legislation that may address access for responsible Americans.

Thank You!

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Mr. BISHOP. Thank you very much, I appreciate the testimony of all four of you, I appreciate how religiously you held to that five-minute clock there even cutting things off in mid sentence, so thank you very much. I am going to ask my questions last. Ranking Member Mr. Grijalva, do you have questions for these four?

Mr. GRIJALVA. Yes, thank you. Let me just thank you, Secretary, for being here today. Some figure that we heard today was 60 million Americans secure their drinking water from the National Forests. The question I think is if anything these WSAs and wilderness the biggest resource that we protect worth billions and billions of dollars is water. And my question is what would be the impacts if the supply if tens of millions of forest land are opened to oil and gas drilling and potentially other polluting activities, have the impact on that drinking water availability to those millions of Americans? To you, Mr. Secretary Babbitt.

Mr. BABBITT. Well, I think that that is really the set of issues underlying the adoption of the Roadless Rule. 50 percent of the National Forest lands are today open and being used for timber cutting, clear cutting, road building, oil and gas. The question we have here is whether or not there should be, could be a different management regime for another 30 percent of the National Forests. And the Roadless Rule was crafted to say those lands will be open for recreation, they will be open for motorized recreation, there will be access for forest thinning and forest health activities written into the rule.

The decision that was made in the Roadless Rule was that there are two activities that are manifestly incompatible with vigorous robust public recreation, ecological health and watershed protection of upstream communities, and the issue simply is not whether this is wilderness, it isn't. It is not whether or not Mr. Kleen has access to the 30 percent 55 million acres under the Roadless Rule. You do have access. The question is what are the minimum exclusions nec-



essary to ensure a robust ecosystem including a watershed provision for most western communities. That is the Roadless Rule.

Mr. GRIJALVA. A process question, Mr. Secretary. The role of agency recommendations in this process that we are talking about, and so the agency is making the recommendation, what should the role of Congress be? Since this bill seems to be taking us in another direction.

Mr. BABBITT. Mr. Grijalva, obviously Congress has the final say in the management of public lands. The question is how best to exercise that oversight. The reason I believe this bill is extreme is because rather than getting into the details of management prescriptions it simply blows away the protections in terms of the wilderness study areas and by repealing the Roadless Rule.

I thought Mr. Sherman's description of the Roadless Rule issues was really worth listening to because they are not wilderness areas, they have a spectrum of uses. And my advice to the Congress would simply be, those are the issues that should be debated in this Congress. Maybe the Roadless Rule should be reshaped, but I think it is wrong and against the manifest will of the majority of Americans simply to blow it off and say we are going to give it away to extractive interests.

Mr. GRIJALVA. I have an additional question, but I will yield.

Mr. BISHOP. All right, we will have another round obviously to go through here. Mr. McClintock, do you have questions for these witnesses?

Mr. MCCLINTOCK. Yes, thank you, Mr. Chairman. Mr. Noel, as I listened to Governor Babbitt, it sounds like he is saying, look we are not closing the public lands we are just closing the roads in the public lands. How do you respond to that?

Mr. NOEL. Well, Congressman, they are closing the road. Let me just tell you, you have heard of Revised Statute 2477, that was the law that was passed in the 1800s that allowed for counties to acquire access to public lands. This has been the entire debate of the wilderness group such as the Southern Utah Wilderness Alliance and the Wilderness Society, that is why in Utah we have spent untold millions of dollars to try to get our roads open. These are roads that were built by taxpayers, that have been maintained by taxpayers, and in 1976 when FLPMA was passed those roads were grandfathered in.

These WSAs, and you know what the definition of a wilderness area is, 5,000 acres of roadless areas, this is where the battle is right at the pinnacle is on these roadless issues, on these issues that deal with roads on BLM, to try to obtain these roads and get them the name of the counties that access private lands, that access state lands, that access resources, and access the public lands that would stay here. This is the whole issue behind this, no one wants to talk about this but this is why we are fighting this battle.

Right now we are in court with five or six different lawsuits. We have been to the 10th Circuit Court of Appeals twice and we have won on these issues. We are going to court next month, we should get, the first RS 2477 road recognized was in my county, in Kane County. I have been fighting this battle for 14 years now and we are finally getting to a head. But this WSAs, they were rec-

commended by the Secretary, Former Secretary's Administration that we release these. This was the plan when FLPMA was passed.

This is what the absurdity of all this is. FLPMA was passed as a multiple use bill. You remember the sage brush? I remember that time. I just joined the agency in 1975 right before 1976, a month before this all started, and the whole issue was, you can have access to the minerals, you can keep your water, you can have control of the state trust lands, and this whole thing has changed in the last 35 years.

Mr. MCCLINTOCK. Well, these extremists understand that if you can close the roads or prevent roads from being used you can close the public lands to the public.

Mr. NOEL. Absolutely.

Mr. MCCLINTOCK. And that I am convinced is their objective. I reflect on the days of Plantagenet England when the crown closed one-third of the land area of southern England declaring it a royal forest, became the private preserve of the crown, the royal foresters, and the favored constituents of the crown, and it became such an object of the public disgust and outrage that no fewer than five clauses of the Magna Carta were devoted to a redress of the public's grievances, and I think that we are watching that same phenomenon, something in our own human nature that tends to drive government to want to extend exclusivity over vast amounts of land, and that is exactly what it appears to me that they are doing.

Now let me just ask panelists, is there anybody here who is advocating clear cutting of our forests? Of course not. So that is just a straw man, that is a device, an intellectually dishonest device. Nobody is suggesting that. The problem is we have now gone to the other extreme where we can't even salvage fire killed timber after a forest fire. And I think that there is a big difference between clear cutting and the sustainable forest management practices that once produced not only much healthier forests than those we have today but also a much healthier economy and much healthier revenues coming to the public treasury.

We are now having far more frequent forest fires, far more intense forest fires because of the policy shifts of the last 20 or 30 years. Because the Federal Government is now forbidding the removal of overpopulation and overgrowth of timber and as one forester told me, that overgrowth is going to come out of the forest one way or another, it will either be carried out or it will be burned out, but it will come out.

When we carried it out, we had healthier forests and a healthier economy. Since the radical extremists seized control of our public policy 20 or 30 years ago we are now watching that overgrowth being burned out in devastating forest fires and there is nothing more environmentally devastating to a forest than a forest fire, and it is these policies that are promoting that sorry condition.

Mr. BISHOP. Thank you. Mr. Heinrich.

Mr. HEINRICH. Thank you, Chairman. Representative Noel, I wanted to ask. There are currently several million acres of public land that both the Department of Agriculture and the Department of the Interior have also recommended for wilderness designation. Some of these recommendations as you know go back just as long,

20 or 30 years depending on the inventory. If Congress acts on the recommendation in this legislation to release certain WSAs, how would you feel about at the same time including language that would designate the portions that were recommended as wilderness in those same inventories?

Mr. NOEL. I haven't been a strong proponent of wilderness in my own but I know some of these Congressional bills that have come forward, Congressman, have been compromises. So I think that should be up to the individual state and the congressional delegation of those states. I think there needs to be input from the Legislature, the State Legislature, because they are on the ground.

Mr. HEINRICH. I don't disagree with you, Representative Noel, but I question why there should be local input into designation but no local input into the release of tens of millions of acres of WSAs, including places in New Mexico where the local communities have very strongly said we want these WSAs even though they are not recommended to be designated as wilderness. So why the double standard?

Mr. NOEL. I am not proposing that, I never have. I think there should be local input if there is a particular area. But—

Mr. HEINRICH. This legislation takes that input away because it says that those WSAs in New Mexico that have local support will be released under this legislation, including in places like we heard about before from Congressman Pearce, the Sierra de las Uvas, the Robledos, and many, many others.

Mr. NOEL. But I thought you were talking about wilderness areas per se, not the ones that were found unsuitable. I think we have to follow the law, which says if it is found unsuitable, there are court cases in the 10th Circuit Court of Appeals that said if it is unsuitable it can't be managed for wilderness. So if these were found unsuitable they shouldn't be in that category. If you want to propose a bill from a local area and a Congressional bill and that comes before Congress, that is a different situation than what this legislation does. This talks about an existing law that has been in place since '76 that allows for these lands to be released, and I think that is all we are doing, under this Administration, under the Clinton Administration.

Mr. HEINRICH. So we are going to do half our job but we are not going to do the other half of our job. We are going to release the ones that were found unsuitable and we are not going to designate the ones that were found suitable?

Mr. NOEL. I am saying the ones that were found suitable, again that is a different process, that is a two-prong process. The first process is the release of WSAs.

Mr. HEINRICH. No, in many of these bills over the last 30 years including the case you heard about in Arizona we did all of this together with local input, and I think it is worth looking at that model. And that even applies to places like the Cedar Mountains, which our Chairman designated as wilderness despite the fact that much of that was not recommended as wilderness. Commissioner Connelly, you mentioned Yellowstone National Park, and we all know the scale of the fire in 1988. How many of those roads were effective fire breaks in the summer of '88 in Yellowstone National Park, those critical roads for fire breaks?

Mr. CONNELLY. All of them were.

Mr. HEINRICH. How many of them were successful fire breaks?

Mr. CONNELLY. Some were, some weren't enough—

Mr. HEINRICH. Not a single road held. The only successful fire break in the summer of '88 to my knowledge was Yellowstone Lake. That was the one place where spotting didn't jump because it is a lot more than two miles wide.

Mr. CONNELLY. The map you are looking at right in front of you is from the Fontenelle Fire, and the road that is right above the line right in there if you take a look at an aerial photograph on it and I would be more than willing to send you that, that stopped that fire. Cost my county \$4 million.

Mr. HEINRICH. I will look forward to taking a look at that. I think I have a minute and 15 seconds left. I think the last thing I would like to address is the fact that Congressman Pearce brought up the idea that if you can't get an ATV into the back country you can't harvest an elk. Now I haven't actually seen a 1,500 pound elk. I would love to see a 1,500 pound elk. This is more on the order of maybe 750 pounds that I harvested about as a crow flies maybe five miles from a road, it was a longer pack than that.

The reason why I was able to harvest it on the first morning of hunting season was because it was a roadless area, and because of that habitat security that elk seem to move to where they don't have access via off-road vehicles, via four-wheel-drives. I have hunted the Jemez extensively, I took an elk out of a roadless area last year. In other parts of the Jemez where the road density was dramatically higher you can't find an elk during hunting season because all of them move to the places where they have habitat security. So with that I will before I run out of time and break the Chairman's rules I will leave it back.

Mr. BISHOP. Thank you, Mr. Heinrich. You know, we talked about this before, you were able to do it because you were young and vigorous. Fat old people like me can't do that anymore here.

Mr. HEINRICH. I am going to reserve my right to dispute either part of that allegation.

Mr. BISHOP. Mr. Tipton.

Mr. TIPTON. Thank you, Mr. Chairman. Congressman Heinrich, I want to bring you up to Colorado. We have elk standing in the middle of Highway 145, so come up there, we will get a little bit easier for you. Mr. Babbitt, Secretary Babbitt, thank you for taking the time to be here. And I did want to ask you a question. You claim that H.R. 1581 strips Congress of its right to make individual determination on wilderness areas. However, under a WSA lands are managed as defacto wilderness, which Congress did not authorize, even though it is being managed as defacto wilderness in many respects. So how does the managing of lands as wilderness without local consensus and the characteristics of Congressional wilderness actual designation give any greater deference to Congress and the constituents impacted?

Mr. BABBITT. Mr. Congressman, the release of the lands from WSA as Mr. Abbey explained dumps that land back into other buckets of BLM management. Now there may be an entire spectrum of possibilities, but the one thing that does not automatically

happen is the maintenance of that land as suitable for a wilderness designation by this Congress.

Mr. TIPTON. Now, Former Secretary of the Department of the Interior, as Mr. Abbey just made in his comments, you can assure us that that land still does have protection even without that WSA?

Mr. BABBITT. No, I certainly can't assure you of that.

Mr. TIPTON. You can't assure us of that, there are no regulations under BLM?

Mr. BABBITT. That is up to the land managers.

Mr. TIPTON. And those are regulations?

Mr. BABBITT. Along with statutory direction.

Mr. TIPTON. And so there are regulations?

Mr. BABBITT. Well, there are administrative rules and regulations spanning—

Mr. TIPTON. Which would require approval?

Mr. BABBITT. By whom?

Mr. TIPTON. If an application is made to change the usage of that land, who makes the determination?

Mr. BABBITT. Well, it falls back obviously into the resource management plan.

Mr. TIPTON. So there are regulations.

Mr. BABBITT. Into the RMPs.

Mr. TIPTON. So the land is still protected?

Mr. BABBITT. It depends on the administrative criteria that are being applied either under the resource management plan or generically across that landscape by the Bureau of Land Management.

Mr. TIPTON. Maybe you can—

Mr. BABBITT. It will if it is released from the wilderness study area it will not have the protections afforded by the Wilderness Act for that land pending a determination by this Congress.

Mr. TIPTON. Great, let us follow that up. You know, I respect the BLM and our men and women in our Forest Service and the BLM, you know, for their efforts on our land. Maybe you can help me understand some of the challenge I think many of us wrestle with on this is when we are talking about lands by the BLM that are deemed not suitable, they have been deemed not suitable, what is the resistance to saying, we don't need to study this anymore?

Mr. BABBITT. Well, as I believe Mr. Heinrich and perhaps Mr. Markey explained—I am sorry, would you ask me the question again?

Mr. TIPTON. You bet. When we are deeming, and this is per the BLM—

Mr. BABBITT. What is the resistance?

Mr. TIPTON. Yes, what is the resistance to it? They have said it is not suitable.

Mr. BABBITT. That is merely one administrator's decision in time. As they explained, this Congress has on multiple occasions overruled that determination because that is the function of the Wilderness Act and the power reserved to Congress. There are multiple occasions in which this body has said, notwithstanding that the Administration has said it is not suitable we the Congress determine that it is suitable and proceed to make a statutory wilderness area.

Mr. TIPTON. OK, and so you kind of followed this process. Many of us are not career politicians in Washington, and coming in, if some land is, is there any prohibition against any Member of Congress if they think that it needs to be designated introducing legislation to designate?

Mr. BABBITT. There is already a statutory process for the Congress to do that.

Mr. TIPTON. Right. And so we have lands that for 30 years have been under study areas that have been deemed maybe by one, two, three, we don't know how many people that are on the ground looking at it as not suitable for wilderness and it hasn't been introduced, and so we may have a bit of an answer on some of that, don't you think?

Mr. BABBITT. No, because the Wilderness Act provides the solution. It is for you and the Colorado delegation to get together, call folks together, and bring legislation to this Congress.

Mr. BISHOP. OK, thank you. Now I have questions for the first round but Mr. Grijalva has another appointment here. I am going to yield to him for his second round questions first. Mr. Grijalva?

Mr. GRIJALVA. Yes, because, and Secretary Babbitt, because of the history discussion we have been having here, going back to the Magna Carta, the premise of this bill to me is that Congress should blindly follow agency recommendations made decades ago. I find that full of problems and problematic to begin with. But during these time periods where the wilderness suitability determination was made, and are they still relevant today, Mr. Babbitt? Haven't, I think, haven't public values and our knowledge of the lands themselves changed considerably and these recommendations since then could be dated and when they were established? So if that is the premise and we are looking now from a historical perspective and Congress's role in the determination, don't you feel that the information has changed in two decades, a decade?

Mr. BABBITT. Mr. Grijalva, I think it is fair to say that when a wilderness study area went into effect that the decisions that were made about designation versus release would always have a shifting character as a function of the composition of the Congress, the desires of the local people, technological advances in the kinds of uses and impacts on the area, and that each Congress going forward would undoubtedly be looking at these issues in a shifting matrix of facts and events and the opinions of the elected officials.

That is as true today as it was 30 years ago. But it doesn't for me alter the architecture of the Act, which says it is for Congress to make the decision. What Bob Abbey may have recommended 30 years ago or 10 years ago or yesterday is nothing more or less than advice for this Congress to take into consideration when it meets its statutory function of making the decision.

Mr. GRIJALVA. Thank you, Mr. Secretary. I think the point is that we could resolve all these issues, Mr. Chairman, if Members of Congress would do their homework. You get the stakeholders in the room, you get out the maps, a Sharpie, and you go to work with the people that have an investment in a potential designation. And it is really hard work, having learned that painfully with the Tumacacori Highlands as we went through that process.

And you start with the old agency recommendations, then the compromising process begins, then you have an understanding and you craft legislation, you bring it to your colleagues, and then you try to pass it. And I think across-the-board releases or designations is not the process and it is not the path to lasting success in these issues. With that let me yield back and thank you for your courtesy.

Mr. BISHOP. Thank you, Mr. Grijalva. Let me have a chance to ask a couple of questions. I have some questions for all of you and some things I would like to read at the same time. So let me start the first one and just ask all of you a yes or no question. It has been claimed that this bill is an extreme bill. I want your answer on if you think this bill is an extreme bill, just yes or no, starting with Mr. Kleen? No. Mr. Babbitt?

Mr. BABBITT. In order to be consistent with my prior testimony my answer is yes.

Mr. BISHOP. I think that was accurate, yes. Mr. Noel?

Mr. NOEL. No.

Mr. BISHOP. Mr. Connelly?

Mr. CONNELLY. No, Mr. Chairman.

Mr. BISHOP. All right, let me talk just simply about the reality that we have in the process that we are talking about here. It seems that what we do around this place is we say, OK, this is considered wilderness, we will designate it as such, that is the end of the discussion, it is over. Anything that is not considered wilderness we are going to do do-overs and reconsider and reconsider until we finally make it wilderness. At no time do we ever reverse that process.

You are right in saying it is Congress's decision. This bill is Congress's decision. Now whatever standard we want to work with it, that is Congress's decision. We don't go backwards on wilderness area but we always go forwards in this process. The process in reality is screwed up, and that is why it is simply unacceptable. Let me ask some questions then I want to do some reading. Let me start with Mr. Kleen if I could and try and go down there as much as we can. Mr. Kleen, I would like you to give me some more personal examples, it is a wonderful story you have, of the difficulty you have or how it is that you are able to take veterans, however you are able to use different kinds of equipment as you go out in the efforts that you do on the lands that we have here.

Mr. KLEEN. Yes, sir. Again, most of the machines are very user friendly these days, and the adaptives of the hand control that I mentioned. There are lower-leg amputees, wounded veterans coming back, who can't operate a car or a side-by-side without the use of these hand controls. One thing that has really been rewarding as well is we have the issue that not all disabilities are visual where it is. Obviously, I am in a wheelchair. Some of these are called closed-head injuries, and they cannot operate a machine with hand controls or not. But those soldiers and those people with that type of disability can go out and recreate and ride as a passenger safely on these vehicles.

Mr. BISHOP. Thank you, I appreciate it. Commissioner Connelly, in your experience and especially dealing with the pine beetle, could you contrast what has happened in areas that are roadless

areas versus those areas where mechanical vehicles have been able to go in and do treatment for the pine beetle and other insect manifestations?

Mr. CONNELLY. It is very glaring. When I mentioned earlier about the map up there, where the mechanical treatment is being done, and the Fontenelle Fire was stopped in mechanical treatment on roads because that was where the Forest Service had the tools to fight with. The green new growth stopped the Fontenelle Fire. It is very glaring on a map. Management of the forest is essential in preventing forest fires. A healthy mosaic forest means everything to how it operates. It is no different than the lawn out here just outside. If you don't thatch it, it overgrows and it dies. The National Forest is no different. And if you treat it that way it will grow and prosper and do well.

Mr. BISHOP. Thank you. I am just going to have to do a second round as well. Mr. Noel, you got a minute and a half here to tell me how this land's designation impacts education funding in my state, because I am still on retirement from the system.

Mr. NOEL. Well, it impacts it because we have the state trust lands, Section 216-32 and 36, that are surrounded in many cases by these WSAs. We were supposed to be able to get revenue as a state from those lands. When you have a WSA in those areas, number one, many of them don't have access, number two, if you try to develop anything on the state trust lands or even private lands and you have to access those through a WSA the costs are greatly increased. You cannot go through a WSA, you can't put a pipeline in the ground that is substantially unnoticeable, you can't do anything in a WSA.

So the normal land laws, the Title V FLPMA rights of ways that were given to us in FLPMA cannot be exercised on WSAs. So you have limited the ability of the State of Utah to get those monies that were given to the children of the State of Utah, and again on private property, you have limited the building on private property, where we get property taxes. You get zero property taxes from the Federal lands. And so they not only limited the property taxes on Federal land, they have eliminated it on trust lands and on private property because you can't get any rights of ways and access those lands.

Mr. BISHOP. So it doesn't come as a surprise to you that the 13 states that have the slowest growth in their education funding happen to be the 13 states that are public lands in the West?

Mr. CONNELLY. Comes as no surprise to me. I said I manage the Kane County Water Conservancy District, we draw on about 20 percent of the land in the county, we draw about a million dollars in tax revenue from property taxes, guess how much we get from the Federal Government. Zero. Yet 3 million tourists come through there that want water, want access, want phones, want motels. So we lose on that accord. And WSAs and special designations makes it even more difficult to fund education.

Mr. BISHOP. The ratio is actually two to one, 68 percent growth in the East, 39 percent growth in the West. We are on our second round. Mr. Garamendi.

Mr. GARAMENDI. Thank you. My apologies for having to duck in and out, a lot of things going on. First, Secretary Babbitt, thank



you for all that you have done over these many, many years to protect and preserve and make available to Americans in so many different ways their land. This is not the Federal Government land, this is the land that belongs to the American people. And we debate forever, I think going back to the very earliest days of the western portion of the United States, about how those lands should be used, so it is no surprise that we continue to debate it today. But, Secretary Babbitt, thank you for all that you have done.

What I have found in a series of hearings that we have had on various bills is that problems that exist in one or another place in the United States have ballooned into legislation that affects all of the United States. Mr. Chairman, you had a bill that took 100 miles along the American border and basically opened, gave the Homeland Security Secretary power over a 100-mile stretch of America along all of its borders when, in fact, there was a specific problem, I believe it was in Arizona, that needed to be addressed. And we have a similar situation here today in which we have problems in a given area, and we just discussed at length the Utah situation, that deserves the attention of the Congress and should be brought to the Congress in a specific bill dealing with that particular set of circumstances.

Instead we have a bill before us that is all across America and takes all WSAs and all roadless areas and says, forget it, we are going to deal with them in one sweeping move, when in fact we have had legislation as recent as a year ago, a year and a half ago, that dealt with specific areas and made adjustments, in some cases WSAs becoming wilderness even though they were designated as non-wilderness, and in other cases being returned to multiple uses.

That is what we ought to be doing here. And I think it is a very serious mistake to do a blanket approach across the entire nation. Mr. Babbitt, Secretary, if you would comment on that, I have noticed you nodding as this issue has come back and forth, if you could comment on a site specific or a region specific versus a blanket approach such as we have before us today?

MR. BABBITT. Well, Mr. Garamendi, I would like to do that by going back to the Utah example that was discussed. The creation of parks, monuments, and protected areas in Utah has resulted in a massive increase of the assets and funding available to the Utah School Trust. How did that happen? In 1999 I sat down with Governor Levitt who was expressing concern about how Utah could develop its hundreds of thousands of inholdings of school trust land in parks, monuments, and protected areas.

We sat down and worked out a land exchange in which Utah gave up these lands, landlocked, in the protected areas and got what? A cornucopia of coal reserves up in the Book Cliffs, which vastly increased the economic return and economic future to the Utah School Trust. A nice example initiated by a Governor of a deal which was worked out, put into legislation, and brought to this Congress for site specific passage. Now I believe that is the template for dealing with these issues.

Another example is Commissioner Connelly who talks about the need for managing for fire health to get mosaic style forests. That is absolutely true. That is an excellent management objective. It is underway today because it was initiated in the Clinton Administra-

tion as forest health legislation, which was brought to this Congress in September of 2000 to initiate the process of getting at thinning west wide to clear out overgrown forests including with mechanical means.

So it is a fiction to say that there is anything in this bill that is going to have any useful effect on forest health and the real need to do forest thinning. It is the kinds of generalizations that sweep along on these bills. I would refer you back to the legislation of September of 2000, and if you are really interested in getting at the conceded fire problem in National Forests, to look at what is being done and to examine the levels of funding by this Congress and what are the main obstacles to the forward motion of those programs.

Mr. BISHOP. Thank you. Thank you for bringing up the Utah education system. I take it you will be my first cosponsor on the Utah Apple Act, which I am dropping in September. I appreciate your agreement to that, sir.

Mr. BABBITT. I would be delighted to work with you.

Mr. BISHOP. No I am putting your name on already, we have gotten past that here. Where am I? Second round, Mr. McClintock.

Mr. MCCLINTOCK. Just a couple of points. We were talking about extreme policies, I wonder if I could ask do you believe it is an extreme policy to prevent the harvesting of fire killed timber after a forest fire?

Mr. BABBITT. The issue of harvesting fire killed timber is complex. It needs to be made by land managers on a case-by-case basis. A lot of trouble with salvage in the Pacific Northwest because of the erosion problems that were created by getting in over those damaged landscapes. In other areas the fire damaged landscape tends to be, fires typically do not blacken landscapes uniformly. They have a kind of if you will a mosaic pattern to them that makes it very complicated and often quite destructive to get at the salvage logging. So the answer is, there isn't a single nationwide prescription.

Mr. MCCLINTOCK. Mr. Kleen, do you think that is an extreme policy, to prevent the salvaging of fire killed timber?

Mr. BABBITT. There are circumstances——

Mr. MCCLINTOCK. Yes, no, Mr. Babbitt, I heard your answer. Mr. Kleen?

Mr. KLEEN. Please repeat the question?

Mr. MCCLINTOCK. Do you think it is an extreme policy to prevent the harvesting of fire killed timber, that is timber that is killed by a forest fire, after the fire goes through there and kills the timber? Do you think it is an extreme policy to prevent its salvage?

Mr. KLEEN. No, sir, I am no expert on fire forests, being from Iowa, but I do know that on the trails with the downed wood and the downed trees maintenance and management is a plus.

Mr. MCCLINTOCK. Mr. Noel?

Mr. NOEL. No, I have a background in biology and a master's in plant ecology, and I can tell you right now this is an extreme policy that the environmental community, which unfortunately the Babbitt Clinton Administration bought into on many of these issues, and it is absolutely insane that you can't go in and harvest dead burned trees and get them out of there.

What happens after you harvest those trees in many cases are the timber companies go in and replant new trees in that area, as opposed to leaving them sitting there and rotting. If you talk about real and gully erosion and problems with erosion, that is where you are going to get it, in those fire areas. You look and see the mud slides we get in Utah after we have had a fire that goes down and destroys the watershed, destroys private property. The extreme position is not to harvest it, Mr. Congressman.

Mr. MCCLINTOCK. Mr. Connelly?

Mr. CONNELLY. He is absolutely correct. The extreme version is not to harvest it. As the son of a 37-year retired Forest Service employee, they have plans that they can use to do it, they know how to do it. We should be letting them do it.

Mr. MCCLINTOCK. Governor Babbitt, I particularly want to thank you for your candor in this, I think that this pulls into very sharp focus the fact that I guess extremism is in the eye of the beholder. And I find it hard to understand a philosophy that views it extreme to open public lands to the public that have already been designated as not fit for designation as wilderness. That is an extreme policy, but the government preventing the harvesting of fire killed timber after a forest fire is in your view not an extreme policy.

And I find that fascinating and I think it offers us very clear choice between two different approaches to these issues. I might also add, I know the Ranking Member has left, but he suggested that instead of this we ought to just pull together the stakeholders and come to an agreement. I was reminded of the Quincy Library Group in my district where almost 20 years ago they did exactly that, they pulled together all of the stakeholders. They met in the Quincy Library so that nobody could yell at each other. They ultimately came up with a pact to provide for the very limited harvesting of surplus timber in that region. Everyone agreed to it, great concessions were made, and Congress ratified it.

It has never been implemented because of extremist environmental groups from San Francisco keep filing lawsuits to prevent its implementation. And the human result of that is we have had now three mill closures, Quincy, Sonora, and Camino in the last couple of years because these lawsuits have prevented the implementation of this pact that was agreed to by all the local stakeholders including all the local environmental organizations. 300 jobs at each one of those mills, 300 families without work. That is extremism.

Mr. BISHOP. Mr. Tipton, do you have any questions on this round?

Mr. TIPTON. Thank you, Mr. Chairman, maybe just one more. Mr. Babbitt, one of your comments that you just made was that the single greatest obstacle for management is funding, a moment ago. I think I probably know your answer, but I do want to ask the question. Is it sensible for us given the economic circumstances that we are facing right now in the country, limited resources, to not take advantage of that opportunity for the wilderness areas that we have already designated to make sure that those are managed properly, to continue to expend resources on study areas as defacto wilderness? And this is with respect, and I do respect you, sir, to land that has been under study for over 30 years.

And your commentary seemed to indicate that effectively once it is designated as a study area it is in perpetuity at that point, it can always change, but if we go back to the authoritative body of Congress there would be no problem if at some point in the future to take a look again. But in the mean time these areas have been studied, we need to be able to free up resources. Wouldn't it be a sensible thing right now to be able to preserve and protect some of those very significant areas that have already been designated, free up those resources, eliminate these WSAs, and use those resources now?

Mr. BABBITT. Mr. Congressman, with all due respect, I don't agree. What I do agree with is that there have been plenty of studies in these wilderness study areas. The issue in my judgment is not expending money for studies. The issue is using the procedures that are already in law to move toward a locally state consensus driven piece of legislation in each state and area of concern. Now I understand that consensus may not always be possible. I think it is underrated.

We used a consensus process in Arizona for 30 years and have largely resolved our wilderness issues. Now my suggestion for Colorado is, you are right, you don't need any more studies. What you need to do in Colorado is to take these wilderness study areas, get out to your constituents, and say, I am ready to draft release language. Let us have a Colorado-based discussion, see how much consensus we can get, and then bring that bill back with the benefit of that process and make a decision.

Mr. BISHOP. Thank you. Mr. Babbitt, let me ask a few, I didn't leave you out the first time on purpose, I just had a few specifically for you this time around here. Let me ask first of all, because you mentioned the Arizona Wilderness Act of 1984 in which you had a part, do you consider that Act to be a success?

Mr. BABBITT. Yes.

Mr. BISHOP. I am sorry?

Mr. BABBITT. Yes.

Mr. BISHOP. OK, maybe you need to pull that.

Mr. BABBITT. Yes.

Mr. BISHOP. Thank you then. There are some things also if I could just briefly. "If Congress perceives that the national interest is at stake, it ought to identify that interest through legislation rather than leaving identification to agency administrators. For state natural resource managers they are weakened by the possibility of interpretation of the language of the statutes, administrative practices are marked by inconsistency in the degree of shared decision making.

The lack of judicial recourse for states under most statutes leave the states at the mercy of the departmental administrators who have the authority to decide what proposal programs is or is not in the national interest. Experience with many projects indicates that BLM permitting decisions are often made independent of land use plans. Land use plans tend to merely catalog BLM decisions rather than to guide them. The states must be given more meaningful role in planning development on Federal lands within their borders. In fact, as a general rule, no use of public land should be permitted that is prohibited by state or local zoning.

Mr. Babbitt, when you were Governor of Arizona those words were wonderful, and those words I wish were the exact concept that we should be using today. You also took me to task personally, by name, in a speech you gave at the press club here in which you criticized one of my proposed amendments. I just want you to know that even though you criticized that I am still giving you credit for its birth because indeed it was your idea when you were Governor of Arizona that two thirds of the state should be given the power to sunset or repeal Federal laws, it was one of your proposals.

I put it into a constitutional amendment form instead of statute, but I thought it was a damn good idea you had when you were Governor and I still think it is a good idea whether you criticize me for that or not, it is still a darn, darn good idea. Can I ask you since you did go into, no, Mr. Noel first of all. You talked, Secretary Babbitt, Former Governor Babbitt talked about the deal that was made with the Department as well as Governor Leavitt. Washington County lands I know for a long time were held up, we never got title to those lands. Do we actually have title to those lands now?

Mr. NOEL. We don't. We have not. In fact, in the planning process, Congressman, what is happening now, those bureaucrats that are doing the bill are actually putting in, instead of putting in the wilderness areas and restricting development, they are putting in ACECs so that the Lake Powell Pipeline Project may be precluded because of the way they are writing the land use plan on this bill.

Mr. BISHOP. All right, 15 seconds. The Book Cliffs land had coal production. Was that ever put in production, does that compare to what was in Kaiparowits?

Mr. NOEL. No it doesn't at all.

Mr. BISHOP. All right, Mr. Babbitt, this is the problem, when you said you solved our education issues by that deal, that deal was never consummated, the land that was promised still has not been given to the state, the production opportunities still was not given to the states. Secretary Udall, one of your predecessors, once looked at the Kaiparowits and said, that is the future engine of the economics of this nation.

The Grand Staircase-Escalante Monument done by use and I think misuse of the Antiquities Act took that economic engine of the United States away, out of production, and the school kids in Utah have never been able to reap the benefits of that nor have they been able to reap the benefits of the alleged exchange that was made between the United States government and the Secretary Leavitt, who had no idea this was happening until the morning of its announcement, despite what was told to him by both the Department of the Interior as well as the White House.

Mr. Babbitt, there are three reasons on why an Antiquities Act can be used to create designation. One of them has to be an emergency situation for a specific reason, specific archeological or cultural reason and for the smallest footprint possible. Do you remember back to those halcyon days when you came up with this concept and used the Antiquities Act, what were those three reasons specific to Grand Staircase-Escalante? What was the emergency, what was the specific article that was to be preserved, and what was the smallest footprint possible to do that?

Mr. BABBITT. Mr. Chairman, my memory after ten years is not perfect, but first of all with respect to the area to be preserved, Theodore Roosevelt took that on when he used the Antiquities Act to protect roughly a million acres in Grand Canyon. It was litigated and affirmed. There is no emergency provision to my knowledge in the Antiquities Act, that was not a consideration. With respect to the objects to be protected, again I would go back to what Theodore Roosevelt had to say about Grand Canyon, it is archeology, geology, biology, wildlife, scenic values, all of the values that prompted prior generations of Utah representatives to protect many of the areas that kind of went into the matrix in Bryce and the other monuments and parks right on the western boundary. Same considerations, it is a huge marvelous integrated landscape.

Mr. BISHOP. Mr. Babbitt—

Mr. BABBITT. Let me say, Mr. Chairman, just one thing. I hear you about the Book Cliffs, and I must say I will leave this conference room even though I am now out to pasture with a real vivid commitment to try to understand and do what I can, because I think that was a part of a deal that I expected to be carried out when I made it with the Governor.

Mr. BISHOP. I thank you for that, and I do take you at the word, I believe you will actually do that. I also realize it is somewhat unfair to ask me to go back past two administrations and ask for the details. The problem I have with that is when Ms. McGinty was asked that a month after the fact she couldn't answer those three questions either. But please when we are talking about footprint, in the debate that passed the Antiquities Act in the first place the question was asked, would this be 100 acres?

And they said, no it may be more, it may be 3 to 600 acres, that is what was envisioned. You created in this one monument alone, just this one, 1.9 million acres, you created a monument that was bigger than eastern states. You created a monument that was 60 percent the size of Connecticut, 50 percent the size of New Jersey. And neither you nor your solicitor at the time nor anyone else that was working, especially Ms. McGinty, can to this date tell me what it was you were trying to protect.

That statute says there has to be something that is in harm otherwise it should not be used, and there has to be something specific. So I appreciate I think it is unfair to ask what the specifics were, I will accept your answer for that. But I want to say that we have never heard the specifics, and this is still a sore point. And I appreciate your willingness to go back and look at that because the so called deal was never consummated, it was never helped in any particular way. And I apologize for going over, which means I won't ask another question of this panel but I do appreciate you. Is there anyone that wants another round of questions? Mr. Garamendi. I have another bill that you can sponsor too depending on the answer on this one as well. Oh I don't, go ahead, you are recognized.

Mr. GARAMENDI. Like I said, always willing to work with you, Mr. Chairman. I think the major point about this particular piece of legislation is that it is blanketing the entire nation and touches many different regions in a way that may be good, may be bad, we just don't know. And I would much prefer to see legislation come

before us that is site specific or region specific. Obviously the Grand Staircase-Escalante has been controversial, I know it was when I was the deputy at the Department of the Interior working with Mr. Babbitt on it, and it remains so today listening to the Chairman of this Committee.

If there are specific things that need to be done there, that should be brought to us in a piece of legislation and we should deal with it. And with regard to the way in which we manage the forests, there really is a funding problem. I am very familiar with the forests in the West, particularly in California, and there is a serious problem of funding the necessary studies to go forward to deal with the harvesting of burned timber as well as the harvesting of timber in any particular National Forest. The personnel is simply not there, and I would call to the attention of Mr. McClintock and others that are concerned about it as am I that if we want to move forward with harvesting burned timber we need to do it in a way that follows the law, and that requires personnel.

And so efforts that have been made, and this is most recently in the bills that we have seen on the Floor in the last month and a half to two months, those pieces of legislation reduce the funding for the Forest Service, and hence we should not be surprised when forest harvest plans are not expeditiously handled. With that, a question to the Representative from Utah, Mr. Noel. You said in your testimony that one of the problems you have is trying to deal with the 3 million visitors that come through your area. Are they just passing through or are they stopping or are they buying soda pop and wine and beer or whatever else?

Mr. NOEL. Most of them go to the Lake Powell area in Arizona. Unfortunately even though most of the lake is in Utah all the concessions are in Arizona so they get all the benefits of that. But they do come through and we do have tourism, there is no question about it, they do come through our area and we benefit from that. Again, those monies do not accrue to the school kids like property taxes would.

Mr. GARAMENDI. Well, that would be an issue for you as a state representative to make a modification so that those might actually go to the school kids.

Mr. NOEL. Well, when you have two-thirds of your state, Mr. Congressman, in Federal land ownership, any of these designations has an impact, and we do a pretty good job in Utah to educate our kids and we do have a balanced budget.

Mr. GARAMENDI. Well, I am pleased to see that that is the case, but the issue that you raised was the sales tax revenue not available for the school kids, and that is something you could deal with as a representative.

Mr. NOEL. It is available to the school kids but not like property taxes. It is a three-prong approach to how we educate our kids, and property taxes is a huge part of that, so we do need that.

Mr. GARAMENDI. My point is that with the application of your—

Mr. BISHOP. Would the gentleman yield? Would the gentleman yield to that point?

Mr. GARAMENDI. If I get an extra 30 seconds, of course. Shall we negotiate this?

Mr. BISHOP. Just keep talking, I won't gavel you down anyway. I think what Mr. Noel is trying to tell you very quickly is in Utah all income tax is dedicated for schools. Property tax the majority is dedicated for schools. Sales tax is not dedicated for schools, but the State Legislature when it fills the coffers uses sales tax money, so it does do that, they are using that approach to it.

Mr. GARAMENDI. That is my point is that there are options available with regard and tourism is a very, very important part of it. One of the things that the Grand Staircase-Escalante provides for the future is an extraordinary portion of American land, public lands, that are available forevermore in the future in their natural state. I understand that there are individual problems that were in the '90s when we were working with this that there are certain parcels of land that for one reason or another preclude development on adjacent land.

Those need to be worked out in a specific piece of legislation that deals with the controversies and the opportunities that are present. Again, this particular piece of legislation is a blanket on and covers all of America where the roadless issues and where the wilderness study areas are existing. And my point is that it is much wiser for us to take these things in a reasonable arena rather than coming in and taking all of it in one fell swoop. And that is my last comment after four times around on it.

Mr. BISHOP. Thank you. You are penciled in there, it is there. Does anyone else, I know that was just the call for votes, does anyone else have a question for this round? If not, to the four of you once again we thank you very much for your attendance here, for your testimony, which will be in the record, and for your frank response to the questions that have been asked.

Mr. BABBITT. Mr. Chairman and Committee members, thank you.

Mr. NOEL. Thank you, Mr. Chairman.

Mr. BISHOP. Let me invite the last panel up here, let me try and explain what is happening here. We have just been called for votes. We have three votes scheduled as well as an activity that I am estimating will take about a half hour, but this first vote will not be completed for another 15 minutes. So what I would like to do if possible if we can invite the next panel up and at least get two or three of the witnesses' testimony done and then ask you if it will be kind enough of you just to cool your heels and wait for us to come back after this series of votes. And I apologize for that situation, this is just the way it is.

So, nothing personal, but I want you guys to go away. And we can invite, thank you, Mike, we can invite up to take seats at least for a while here Ms. Melissa Simpson from the Safari Club International, Mr. Chris Horgan, the Executive Director of the Stewards of the Sequoia, Mr. Dave Freeland, a retired District Ranger from Sequoia National Forest, Mr. Frank Hugelmeyer, I hope I pronounced that properly, the President and CEO of the Outdoor Industry Association.

And if it is possible, you know the drill about the five-minute rule and yellow light, the green light, and the red light and all that bit. We still have your written testimony, we would ask you if you would add your oral testimony for the record. We will go for at



least a couple of witnesses, see how many we can get in here before we have to break for the votes, and then we apologize, it is a nice place in Washington to sit around for a half hour. All right, I am lying, but we will come back in about a half hour from that. So, Ms. Simpson, if I could ask you to start with your oral testimony I would appreciate it.

**STATEMENT OF MELISSA SIMPSON,  
SAFARI CLUB INTERNATIONAL**

Ms. SIMPSON. Sure. Mr. Chairman and members of the Committee, thank you for the opportunity to be here before you today. It has been a very interesting afternoon and I am very happy to have an opportunity to speak with you. My name is Melissa Simpson, I serve as Director of Government Affairs for Safari Club International, SCI. I am pleased to be here to share with you the views of SCI and the mainstream hunting conservation community, the vast majority of which supports H.R. 1581, the Wilderness and Roadless Area Release Act of 2011.

SCI's missions are the conservation of wildlife, protection of hunting, and education of the public concerning hunting and its use as a conservation tool. SCI believes in the legacy of Teddy Roosevelt and his definition of conservation. President Roosevelt described conservation as meaning sound development as much as it means protection, and that natural resources must be used for the benefit of all people.

SCI strives to uphold this legacy encouraging the sustainable use of our natural resources and the expansion of recreational opportunities on public lands where suitable. We strongly support H.R. 1581 because it would release lands identified by BLM and the Forest Service from the most restrictive of management policies and direct that these lands be managed for multiple use, including recreation.

Mr. Chairman, one of the main concerns of the sportsman's community is that by managing public lands as wilderness the BLM and Forest Service are greatly reducing the ability of hunters to access this land. Detractors will argue that hunters can access these lands by foot. But hunters are understandably reluctant to hunt in areas where any harvested game cannot be readily accessed for transportation out of the field.

From a larger perspective, members of this Committee understand that hunters and anglers contribute the majority of dollars spent on conservation through license fees and excise taxes. The hunting and fishing industry also supports local economies, helps fuel jobs, and creates economic growth in rural America. The most recent data available shows that hunting and fishing supports 1.6 million jobs across the nation, and these cherished pastimes directly contribute \$76 billion to the national economy.

In addition to this direct impact hunting and fishing create an economic ripple effect of \$192 billion per year. Hunters and anglers keep people working in gas stations, retail, restaurants, and hotels. By releasing the lands in H.R. 1581 Congress would be increasing hunting and fishing access and increasing the economic benefit those outdoor sports provide to rural economies. Mr. Chairman, I

would like to highlight the impacts that the restrictive management of wilderness has on disabled, elderly, and youth hunters.

These hunters are faced with specific access issues that are illustrated in the BLM and Forest Service's own wilderness decision tool. This tool is used to guide agency decisions about the use of wilderness areas by persons with disabilities. The document is attached to my written testimony and contains case studies that exemplify how restrictions are being imposed. One of the case studies centers around a disabled hunting group requesting to use simple carts to help disabled hunters remove harvested game through hunting trips.

The decision tool states that this request should be denied because a deer cart does not meet the definition of a wheelchair, nor is it a medically prescribed assistive device. Even worse, exceptions to allow wheelchairs may only apply to persons with approved disabilities and wheelchairs must be suitable for indoor use. It is not likely that a battery powered wheelchair is going to meet the challenges of back country terrain.

The current agency policy for managing areas in H.R. 1851 discriminates against hunters who are unable to maneuver through rough territory but may not be technically considered disabled. Releasing these lands to multiple use would remove onerous restrictions on land and allow disabled, elderly, and youth hunters access to all of the public lands. SCI members cherish our outdoor heritage. We have worked to bring back game populations from the brink during the 20th century, and we are proud stewards of the land.

Today all we are asking for is the ability to reasonably access and enjoy our public lands. There are far better ways to conserve treasured hunting lands than to continue a one-size-fits-all approach that has been rejected by land managers for decades. I thank this Subcommittee for addressing this important issue to the sportsman's community and to the health of the rural economies. We look forward to working with Congress, the agencies, and others to open these lands so they can be enjoyed by hunters and anglers. I would be happy to answer any questions.

[The prepared statement of Ms. Simpson follows:]

**Statement of Melissa Simpson, Director of Government Affairs, Safari Club International, on H.R. 1581 the Wilderness and Roadless Area Release Act of 2011**

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today. My name is Melissa Simpson. I serve as the Director of Government Affairs for Safari Club International (SCI). I am pleased to be here to share the views of Safari Club International, and the mainstream conservation community, the vast majority of which supports H.R. 1581, the Wilderness and Roadless Area Release Act of 2011.

SCI's missions are the conservation of wildlife, protection of hunting, and education of the public concerning hunting and its use as a conservation tool. SCI believes in the legacy of Teddy Roosevelt and his definition of conservation. President Roosevelt described conservation as meaning "sound development as much as it means protection" and that "natural resources must be used for the benefit of all people." SCI strives to uphold this legacy, encouraging the sustainable use of our natural resources and the expansion of recreational opportunities on public lands where suitable.

For this reason we strongly support H.R. 1581. The legislation would release all Wilderness Study Areas (WSAs) and Inventoried Roadless Areas (IRAs) that have been evaluated and recommended as not suitable for a wilderness designation by

the Bureau of Land Management (BLM) or the U.S. Forest Service. It will release these lands from the most restrictive management, and direct that these areas be managed for multiple-use, including recreation. Between the BLM and the Forest Service over 42 million acres would be opened, immediately resulting in increased access for hunting, fishing and outdoor recreation.

It is important to emphasize that all of the lands affected by this legislation have been evaluated by the BLM and Forest Service and these agencies have determined that these lands are not suitable for wilderness designation by Congress. Therefore, these lands have been managed under the most restrictive management regime for decades even though the federal land managers disagree with the designation.

Mr. Chairman, one of the main concerns of the sportsmen's community is that by requiring these lands to be managed as wilderness, the BLM and Forest Service are greatly reducing the ability of hunters to access this land. Hunting plays an unquestionably significant role in recreation, wildlife management and conservation throughout our public lands. Hunters developed and implemented the North American model of wildlife conservation, which has been central to the successful efforts to return wildlife to abundant populations in the United States.

Detractors argue that hunters can access these lands by foot, but hunters are understandably reluctant to hunt in areas where any harvested game cannot be readily accessed for transportation out of the field.

From a larger perspective, members of this committee understand that hunters and anglers also contribute the majority of dollars spent on conservation through license fees and excise taxes. The hunting industry also supports local economies, and fuels jobs and economic growth in rural America. The most recent data available shows that hunting and fishing support 1.6 million jobs across the America, and these cherished pastimes directly contribute 76 billion dollars to the economy.

In addition to this direct impact, hunting and fishing create an economic ripple effect of \$192 billion a year. Hunters and anglers keep people working in gas stations, retail, restaurants and hotels. By releasing these lands Congress would be increasing hunting and fishing access and increasing the economic benefit those outdoor sports provide to rural economies. <http://www.sportsmenslink.org/sites/sportsmenslink.org/files/Bright%20Stars%20of%20the%20Economy.pdf>

Mr. Chairman, hunters and anglers are also concerned about the impact that the restrictive management of Wilderness Study Areas and Inventoried Roadless Areas has on disabled, elderly and youth hunters. These hunters are faced with two additional problems when attempting to access the type of lands that would be released by H.R. 1581.

First, these hunters have a particularly difficult time getting to hunting destinations that are inaccessible due to being located in a Roadless Area. If indeed they are able to access a hunting area located within one of these areas, they have difficulty negotiating the often-demanding terrain without assistance. And of course, they have an even larger problem in attempting to transport harvested game out of the field.

As our population ages it is vital to continue to provide quality hunting opportunities to older and disabled hunters, and to promote youth hunting to grow the next generation of hunters. SCI believes that there are many less restrictive land designations that would be more appropriate for these lands that would allow for increased hunter access and other multiple use activities while protecting them from exploitation.

A prime example of the application these unnecessary restrictions on disabled hunters can be found in the BLM and Forest Service's own Wilderness Access Decision Tool. This tool is to be used by federal land managers to make consistent decisions about the use of wilderness areas by persons with disabilities. This document, which is attached to my written testimony, contains case studies that exemplify how rules should be imposed. One of these case studies centered around a disabled hunting group requesting to use simple carts to help disabled hunters remove harvested game during hunting trips. The decision document states that this request should be denied as, "a deer cart does not meet the definition of a wheelchair, nor is it a medically prescribed assistive device." (Wilderness Access Decision Tool at 21)

Even worse, exceptions to allow wheel chairs only apply to persons with approved disabilities, and wheelchairs must be approved for indoor use. (Wilderness Access Decision Tool at 7) This discriminates against elderly or youth hunters who may have a hard time maneuvering through rough terrain but may not technically be considered disabled, thus ineligible for any consideration by land managers. There is no need for these absurd restrictions. Releasing these lands to multiple-use would remove these onerous restrictions on land use and allow disabled, elderly and youth hunters and anglers to enjoy all of our public lands.

SCI members cherish our outdoor heritage. We have worked to bring back game populations from the brink during the 20th Century, and we are proud stewards of the land. Today, all we are asking for is the ability to reasonably access and enjoy our public lands. There are far better ways to preserve treasured hunting lands than to continue a one-size fits all approach that has been rejected by land managers for decades. Land managers can use travel management plans and other land designations that do not impose an undue burden on hunters and recreational interests. The time has come for Congress to act and release these areas that land managers have already designated as not suitable for wilderness.

I thank the subcommittee for addressing an issue that is very important to the sportsmen's community and to the health of rural economies. We look forward to working with Congress and the agencies to release these lands so that they can be enjoyed by hunters, anglers and other multiple-use activities.

I would be happy to answer any questions that the Committee might have.

Mr. BISHOP. Thank you. Mr. Horgan, if you would?

**STATEMENT OF CHRIS HORGAN, EXECUTIVE DIRECTOR,  
STEWARDS OF THE SEQUOIA**

Mr. HORGAN. Sure, Mr. Chairman. Dear Mr. Chairman and Committee members, thank you very much for this opportunity to appear before you.

Mr. BISHOP. Can you pull it right to your mouth so we can hear that?

Mr. HORGAN. My name is Chris Horgan. I am Executive Director of Stewards of the Sequoia. We are the largest on-the-ground volunteer organization in the Sequoia National Forest. We have 2,400 members who care deeply about the lands in the Sequoia National Forest. Stewards of Sequoia is based out of Lake Isabella, California, with a population of about 16,000. Our award-winning Trail Appreciation Program has performed maintenance on over 1,900 miles of trail since 2004. We have formally adopted nine trails and have a stewardship agreement with the Forest Service.

Stewards volunteers have also planted hundreds of trees in order to help speed reforestation after the devastating McNally 150,000-acre wildfire. Stewards of the Sequoia mission is to promote responsible recreation and environmental stewardship. But those are not just words, we roll up our sleeves and put our time and sweat into the stewardship of the public lands we hold so dear. I am here today to talk to you about three things, the environment, the economy, and the public, and how they are affected by this bill.

H.R. 1581, Wilderness and Roadless Release Act of 2011, fully embodies both recreation and stewardship, so this bill is something every reasonable person can heartily support by releasing lands which decades ago were determined by the Forest Service and the BLM to be unsuitable for wilderness designation. These lands have a rich history of ranching, mining, timber harvesting, and recreation. Even without the reports we can easily see they are unsuitable for wilderness, but look for yourselves. These pictures were all taken on the unsuitable lands proposed for release in the Sequoia National Forest.

These lands contain cabins, roads, mines, cell towers, lookout towers, developed campgrounds, motorized trails, and even hazmat sites. There is no doubt these lands do not meet the Wilderness Act criteria of untouched by the hand of man. These unsuitable lands have languished in many cases for over 20 years awaiting release

back to their intended uses. During that time, many of the uses on these lands have been restricted as if they had actually been designated wilderness but without Congressional approval or authority.

This bill is about sharing the land and embracing the environment. Under the Wilderness and Roadless Release Act families would continue or again enjoy all forms of recreation on these lands including camping, mountain biking, hunting, dirt bike riding, 4-by-4, hiking, and fishing. These unsuitable lands could once again benefit from active management as needed to promote forest health and prevent wildfires.

These unsuitable lands could once again provide renewable resources and minerals, reduce dependency on foreign sources. These unsuitable lands could once again generate revenue instead of being a cost burden as they are now. Releasing these unsuitable lands from further consideration for the wilderness designation would not release them from management. These lands and all activities on them would still have to meet the strictest regulations in the world for multiple use lands, such as riparian regulations, habitat regulations, density regulations, erosion regulations, botanical regulations, seasonal regulations, water quality regulations, air quality regulations, threatened species regulations, Endangered Species Act, National Environmental Policy Act, National Historic Preservation Act, and more.

Wilderness is not the only form of land management. Multiple use lands allow recreation and renewable resource harvesting only if they at a minimum meet all these regulations. So you see there are more than enough adequate protections to ensure these unsuitable lands remain in excellent condition for future generations. With the passage of H.R. 1581 the U.S. Forest Service and the BLM would no longer have their hands tied and will be able to actively manage our public lands and promote forest health and reduce catastrophic wildfires.

Should these unsuitable lands ever be designated as wilderness there would be few if any places left for people to enjoy most forms of recreation. There is little doubt the communities around Lake Isabella would dry up and there would no longer be enough population or business to support it. A good example of this was when the State of California recently restricted fishing on some segments of the Kern River for a period of about one year. As a result of this restriction on fishing, the local chamber of commerce stated that many businesses closed or came near to closing, and others complained of a drastic reduction in sales which, if continued, would have forced them to close also.

There are probably wilderness advocates who will demand that these lands, which are clearly unsuitable for wilderness, continue to be studied, reviewed, and held in limbo until they can somehow find someone that is willing to ignore the facts and find them suitable. These public lands have languished in limbo for too long. I encourage this Congress to fulfill their promise and release these unsuitable lands. This bill is good for the environment, good for the economy, and good for the public. And I have here with me today over 3,000 letters that were submitted by the public in support of H.R. 1581, and these are just a small portion of the letters which

have been submitted. I will give this to the Clerk. Thank you for your time.

[The prepared statement of Mr. Horgan follows:]

**Statement of Chris Horgan, Executive Director,  
Stewards of the Sequoia, on H.R. 1581**

My name is Chris Horgan. I am the Executive Director of Stewards of the Sequoia, the largest on the ground volunteer organization in the Sequoia National Forest. We have over 2400 members who enjoy all forms of recreation. The Stewards of the Sequoia formed in 2004 and is based out of Lake Isabella, California with a population of about 16,000.

Our award-winning Trail Appreciation program has performed maintenance on over 1900 miles of trails since 2004. We have formally adopted nine trails and have a stewardship agreement with the Forest Service. Steward's volunteers have also planted hundreds of trees in order to help speed reforestation after the devastating McNally 150,000 acre wildfire.

Stewards of the Sequoia mission is to Promote Responsible Recreation and Environmental Stewardship, but those are not just words, we roll up our sleeves and put our time and sweat into stewardship of the public lands we all hold so dear.

**OVERVIEW**

All Wilderness Study Areas (WSA) and Roadless areas in Sequoia National Forest and adjacent BLM lands have been evaluated by the BLM and Forest Service and almost all were found to be unsuitable for Wilderness Designation back in 1988.

Yet twenty two years later many of these lands continue to be subject to inappropriate management regulations as if they were Wilderness, because they have yet to be released.

Active Fire Management is needed, but prohibited in these areas. Recreation and other land uses desired by the community and the public are needlessly restricted or prohibited, such as Mountain Bike, Off Road recreation and other uses.

Our public lands were set aside in order to meet the need for future generations. Our rural communities depend not only on access to their public lands for all forms of recreation or multiple use, but also the income from tourists who come for the same reason.

The long overdue Release of Wilderness Study Areas (WSA) and Roadless Areas is hampering land management and harming the environment in our Sequoia National Forest and surrounding BLM Lands, and likely in other areas of public lands. A significant amount of resources and funding are wasted each year in patrolling and monitoring these lands for Wilderness standards, even though they are not suitable for Wilderness.

**BACKGROUND**

1. All Roadless Areas are required to be evaluated and considered for recommendation as potential Wilderness per Section 219.17 of the 1982 CFR by the USDA Forest Service. Likewise the BLM must evaluate and recommend all Wilderness Study Areas that are suitable for Wilderness Designation under Section 603 of FLPMA no later than fifteen years after the 1976 approval of the FLPMA.
2. Under FLPMA section 603 (b) the President has two years after each Wilderness area report is provided to the Secretary of the Interior to determine if an area is suitable for Wilderness.
3. Both agencies must consider a number of criteria such as Wilderness Value, Feasibility of Wilderness management and anticipated long term changes in plant and wildlife communities should the area be designated as Wilderness.

**DETERMINATIONS**

Both the Forest Service and BLM have done the required comprehensive evaluations.

As an example in the Lake Isabella area in California:

1. None of the Roadless Areas on the Sequoia National Forest Service lands were found to be suitable for Wilderness Designation as shown in the attached 2000 Inventoried Roadless Area Map from the Sequoia Forest Service (Exhibit 1, 2 & 3)
2. Out of nine Wilderness Study Areas (WSA) near the community of Lake Isabella, only part of one is suitable for continued Wilderness Study. The rest were found not suitable for Wilderness Designation. (Exhibit 4)

3. The BLM determined the entire 5,213 acres of WSA lands were unsuitable for Wilderness (Exhibit 5) from the 1988 BLM Piute Cypress (CA-010-046) WSA report. These lands need to be released from further consideration as Wilderness and be returned to Multiple Use lands.
4. The BLM found the following 4123 acres of WSA lands to be unsuitable for Wilderness Designation. They need to be released from further consideration as Wilderness and be designated as Multiple Use lands:
  - Owens Peak WSA (CA-010-026) 310 acres
  - Piute Cypress WSA (CA-010-046) 3,453 acres
  - Rockhouse WSA (CA-010-029) 130 acres
  - Sacatur Meadows WSA (CA-010-027) 140 acres

An example of the need to release these lands is the Piute Cypress tree, which requires fire to reproduce, but in a WSA active management is not allowed, so the fires will run rampant in the overgrown brush and likely harm the valued Piute Cypress.

The Secretary of the Interior Record of Decision determined 4.8 million acres in 147 BLM Wilderness Study Areas in the State of California should be released from further consideration as Wilderness and designated as Multiple Use lands (Exhibit 6).

The BLM, Forest Service and Park Service currently manage over 109 million acres of lands designated by Congress, so we have a very considerable amount of land already under Wilderness Designation. H.R. 1581 does not seek to remove any of those lands from Wilderness Designation.

H.R. 1581 would release non Wilderness lands that have been determined to be unsuitable for Wilderness from further consideration for Wilderness.

#### **LACK OF SUITABILITY AS WILDERNESS**

The agencies have identified many reasons that these areas are unsuitable for Wilderness including but not limited to:

1. Lack of wilderness qualities
2. Military over flights
3. Existing Mining claims within the areas
4. Adjacent to existing communities
5. Difficulty in signing and patrolling
6. Difficulty in fencing
7. Existing historical motorized use

The government made a promise to release lands found unsuitable for Wilderness consideration, however the release of these lands also makes sense when considers how it would benefit:

- The Environment
- The Economy
- And The Public

H.R. 1581 Wilderness and Roadless Release Act of 2011 fully embodies both recreation and stewardship, so this bill is something every reasonable person can heartily support by releasing lands which decades ago were determined by the Forest Service and the BLM to be unsuitable for Wilderness designation.

1. These lands have a rich history of ranching, mining, timber harvesting and recreation. Even without the reports we can easily see they are unsuitable for Wilderness, but look for yourself. These pictures were all taken on the unsuitable lands proposed for release in the Sequoia National Forest. These lands contain cabins, roads, mines, cell towers, lookout towers, developed campgrounds, motorized trails and even hazmat sites. There is no doubt these lands do not meet the Wilderness Act criteria of untouched by the hand of man.
2. These unsuitable lands have languished in many cases for over 20 years awaiting release back to their intended uses. During that time, uses on many of these lands have been restricted as if they actually had been designated Wilderness, but without Congressional approval or authority.
3. Many of the trails on these unsuitable lands were built with and are maintained by motorized recreation fee dollars from the Recreation Trails Program, California Off Highway Motor Vehicle Green Sticker Program or appropriated motorized funds.

This bill is about sharing the land and embracing the environment.

Under the Wilderness and Roadless Release Act:

1. Families would continue or again enjoy all forms of recreation on these lands including camping, mountain biking, hunting, dirt bike riding, 4x4, hiking and fishing.

2. These unsuitable lands could once again benefit from active management as needed to promote forest health and prevent wildfires.
3. These unsuitable lands could once again provide renewable resources and minerals to reduce our dependency on foreign sources.
4. These unsuitable lands could once again generate revenue instead of being a cost burden as they are now.

Releasing these unsuitable lands from further consideration for Wilderness designation would not release them from management. These lands and all activities on them would still have to meet the strictest regulations in the world for multiple use lands such as:

1. Riparian regulations
2. Habitat regulations
3. Density regulations
4. Erosion regulations
5. Botanical regulations
6. Seasonal regulations
7. Water Quality regulations
8. Air Quality regulations
9. Threatened Species regulations
10. Endangered Species Act
11. National Environmental Policy Act
12. National Historic Preservation Act and more

Wilderness is not the only form of land management. Multiple Use lands allow recreation and renewable resource harvesting **only if they at a minimum meet all these regulations**. So you see there are more than adequate protections to ensure these unsuitable lands remain in excellent condition for future generations.

With the passage of H.R. 1581, the U.S. Forest Service and BLM will no longer have their hands tied and will be able to actively manage our public lands to promote forest health and reduce catastrophic wildfires.

More and more agencies have recognized the need to actively manage our forests to reduce catastrophic wildfires which destroy irreplaceable forest lands. For example the Sierra Nevada Conservancy in cooperation with the Forest Service and Tahoe Conservancy developed a Climate Change Action Plan in 2009 to determine how best to address Climate Change which states:

**WILDFIRE:** Reducing the risk of catastrophic fire is critical in terms of maintaining carbon storage and reducing greenhouse gas emissions from fires, not to mention protecting the natural resources and human health, lives and property put at risk during catastrophic fire episodes. Many forests are choked with overstocked biomass “fuels”—which contribute to conditions that support large, fast-moving and high-intensity wildfires. The urgency of this issue is no better demonstrated than through the devastation of the 2009 Station Fire.

According to Matthew Goldstein of Reuters News Service, 3 “[t]he so-called Station Fire is the largest in the history of Los Angeles County and one of the 10 biggest ever in California. It has burned 157,220 acres (63,600 hectares)—an area larger than the city of Chicago.” Not only can this type of fire destroy life, habitat and property, create air quality health hazards and destroy carbon storage potential, it can also weaken mature tree growth, and makes trees susceptible to pests like the bark beetle. Fire risk reduction and maintaining healthy resilient forests can include the controlled and sustainable removal of dangerous and damaging levels of biomass<sup>4</sup>. Managed properly this biomass has secondary benefits as well, creating a tremendous opportunity for renewable energy production, providing funding for sustainable forest management and creating jobs in the Sierra’s rural communities.

The threat of loss of the resources of the Sierra, many of which cannot be replaced, has devastating implications throughout California and beyond. The potential for climate change impacts to dramatically alter provision of these services and continued existence of the habitat and species of this area is high, and, as emerging research is demonstrating, is increasing each year.

**FireForest:** Because climate change and its predicted temperature increases throughout this century are expected to increase the intensity and duration of uncontrolled, catastrophic wildfires in the region, the SN CAP’s first focus is on reduction of dangerous levels of fire fuels through application of sustainable land management practices. In a related effort, this plan also supports development and promotion of consensus community decision-



making models to promote collaborative planning and reduce traditional regional conflict and resistance to changes in forestry land management practices. (*THE CLIMATE ACTION PLAN OF THE SIERRA NEVADA: A Regional Approach to Address Climate Change Version 1.4 9/8/2009* [www.sierranevada.ca.gov](http://www.sierranevada.ca.gov) )

**It should be kept in mind that Wilderness lands or Wilderness Study Areas prohibit active management.** H.R. 1581 would allow agencies to actively manage lands in order to address Climate Change to preserve irreplaceable forests and ecosystems.

Should these unsuitable lands ever be designated as Wilderness there would be very few if any places left for people to enjoy most forms of recreation. There is little doubt the communities around Lake Isabella would dry up, as there would no longer be enough population or business to support it. A good example of this was when the state of California recently restricted fishing on some segments of the local Kern River for a period of about one year. As a result of this restriction on fishing, the local Chamber of Commerce stated that many businesses closed or came near to closing and others complained of a drastic reduction in sales, which if continued would have forced them to close also.

Many people retire to rural areas such as Lake Isabella in order to be able to be near where they can easily enjoy all forms of recreation. Many depend on Off Road Vehicles to get to where they hunt or fish, because they are no longer able to walk in. Many people have vacation homes or live in the area in order to be able to enjoy Off Road Recreation, Mountain Biking and other types of recreation which are not allowed in Wilderness. One of the main reasons many people live in the area is to enjoy multiple use recreation.

The attached short 5 minute video "*National Forests Our Trails Are In Trouble*" illustrates the need to release these unsuitable lands to disperse use and reduce impacts and why we need to keep our roads and trails open to everyone. You can also view it on the web at [www.TrailsInTrouble.org](http://www.TrailsInTrouble.org)

The 2008 National Survey on Recreation and the Environment (NSRE –Ken Cordell et al) states that:

"An estimated 94.5 percent of the population reported that during the 12 months just prior to their interview for the NSRE in 1994–95, they participated in one or more of the activities included in the survey activity list."

This works out to over 189 million people each year enjoying outdoor recreation. Many if not most of the activities these people enjoy are prohibited in Wilderness areas. While hiking and bird watching are allowed in Wilderness, many people prefer to enjoy them on multiple use lands due to easier access. Many people lack the time or ability to hike the long distances required to fully access Wilderness lands. Multiple Use lands are where the majority of the public recreate.

The public, including environmental groups and recreation groups, have worked with the Forest Service over the past five years to draft plans for most of the lands contained in this bill. All that work would be undermined and the public process ignored if these unsuitable lands are ever designated as Wilderness.

There are probably Wilderness Advocates who will demand that these lands, which are clearly unsuitable for Wilderness, continue to be studied, reviewed and held in limbo until they can somehow find someone that is willing to ignore the facts and find them suitable.

These public lands have languished in limbo for too long. This bill is good for the environment, good for the economy and good for the public.

Exhibit 1-

### SEQUOIA NATIONAL FOREST Inventoried Roadless Areas

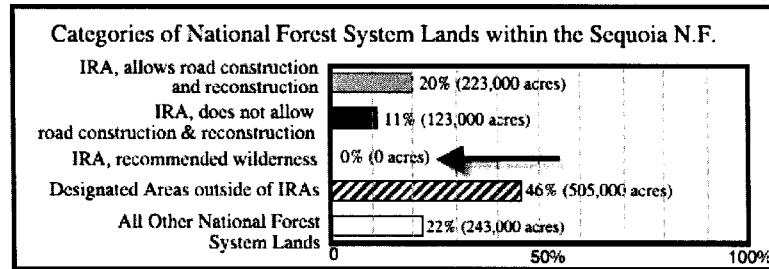


Exhibit 2- Forest Service Roadless Area determined not suitable for Wilderness

#### Motorized Travel Management Final Environmental Impact Statement Sequoia National Forest

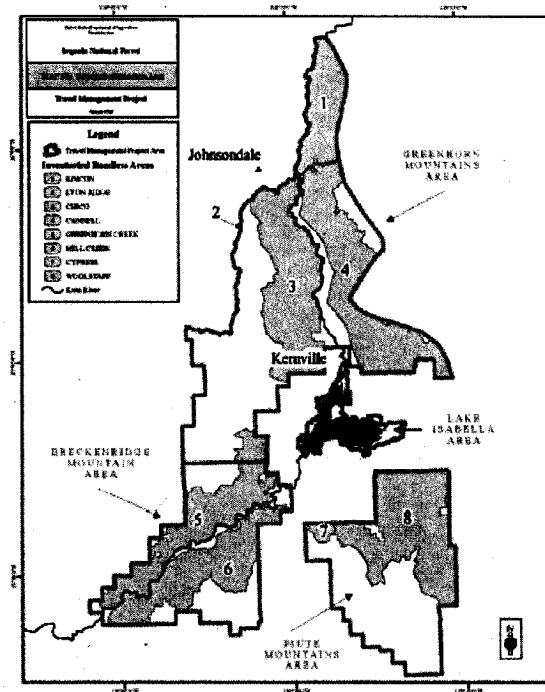
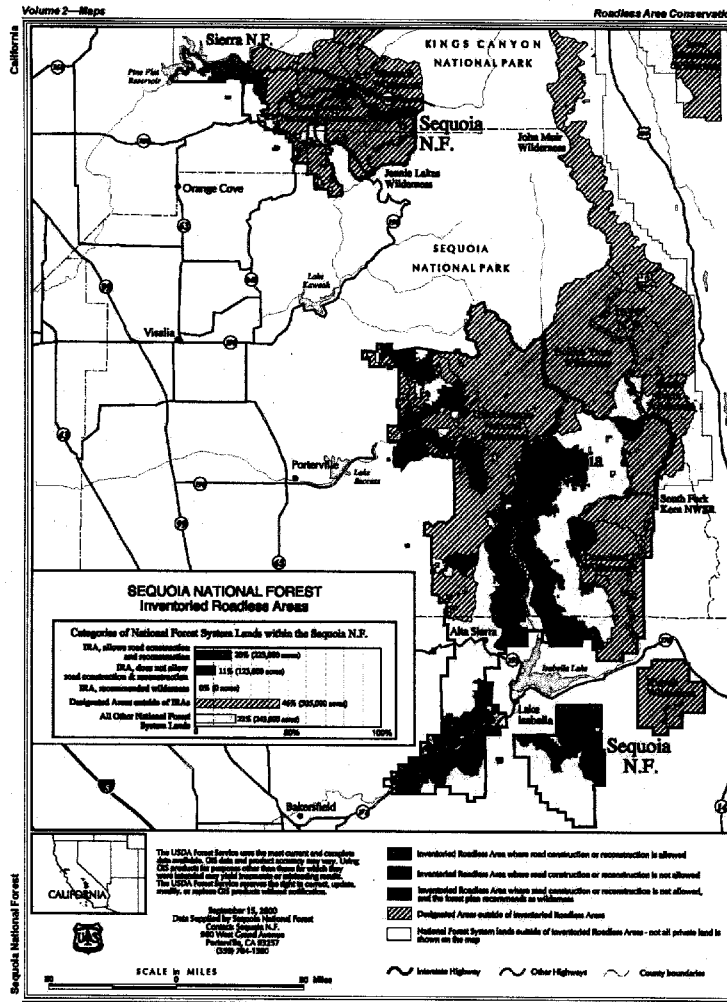


Exhibit 3- Sequoia Forest Roadless Areas Not Recommended for Wilderness



## Exhibit 4-

BLM WILDERNESS STUDY AREAS determined by BLM to be "Non-Suitable for Wilderness for BLM Bakersfield District

Wilderness Study Area	Total Acres	Non-Suitable Acres
Black Mountain	150	Not studied
Garcia Mountain	80	80
Machesna	70	70
Milk Ranch/Case Mountain	8,970	8,970
Moses	558	Not studied
Owens Peak	310	310
Piute Cypress ISA	5,213	3,453
Rockhouse	130	130
Sacatar Meadows	140	140
Scodie	420	Not studied
Sheep Ridge	5,102	5,102
Total	21,143	18,000

[NOTE: Exhibits 5 and 6 have been retained in the Committee's official files.]

Mr. BISHOP. Thank you. Mr. Freeland.

**STATEMENT OF DAVE FREELAND, DISTRICT RANGER,  
RETIRED, SEQUOIA NATIONAL FOREST**

Mr. FREELAND. Thank you, Mr. Chairman.

Mr. BISHOP. Pull it right to your mouth please.

Mr. FREELAND. There we go.

Mr. BISHOP. Good.

Mr. FREELAND. Thank you. I support H.R. 1581. I retired from the United States Forest Service in 2006 after successfully completing 34 years of public service. During my time with the Forest Service, I served in a variety of professional and administrative positions, including Acting Deputy Forest Supervisor and a District Ranger for 15 years. I am a professional forester and have been a member of the Society of American Foresters for approximately 35 years.

While with the Forest Service, I participated on the command staff of several national interagency incident management teams that respond to significant natural and human-caused disasters, including catastrophic wildfire. I have personally worked on these dangerous fire lines and have mourned the deaths of fellow firefighters. During my career, I have witnessed substantial acreage of National Forest System lands reallocated from a multiple use category into more restrictive designations termed specially designated areas.

Since the time of the Wilderness Act, the Wild and Scenic River Act, the Forest Service Roadless Area Conservation Final Rule, and the state petitions for Inventoried Roadless Area Management Final Rule, over 95 million acres, or over 50 percent of the 193 million acre National Forest and Grassland System is in wilderness, Wild and Scenic Rivers, and inventoried roadless areas. On the Se-

quoia National Forest where I retired, only 22 percent of this 1.1 million acre forest currently remains in multiple use.

As one of those district rangers who had their hands tied and as a former local Federal land manager, this conspicuous imbalance concerns me for the following reasons. One, most recreation visitor use occurs on multiple use designated lands. With an ever increasing population of visitors being confined to a shrinking multiple use land base adverse consequences occur such as unattended resource damage, increased conflicts between visitors, and additional law enforcement problems.

Two, specially designated areas can significantly diminish the enjoyment of public lands by limiting and/or prohibiting the responsible use of motorized and mechanized equipment such as off-road vehicles and mountain bikes. Three, individuals with physical disabilities and older Americans have difficulty or are completely denied access to a large portion of their public lands due to the lack of roaded access. This adverse situation will only intensify as millions of baby boomers will be retiring over the next couple decades.

Four, specially designated areas do limit Federal land management agencies from adequately treating vast acreages of land that are overstocked with trees and other vegetation, which contribute to the risk of catastrophic attack by insects, disease, and wildfire. Americans lose the benefit of byproducts produced from these silvicultural treatments in the form of thin trees that contribute to the nation's need for wood fiber such as dimensional lumber, wood chips, and other wood products. Healthy forests and wood fiber are of critical importance to our nation's economy and livelihood.

In conclusion Congress and the U.S. Forest Service made a commitment to the American people that when the roadless area review was accomplished those lands not suitable for additionally Congressionally designated wilderness would revert back to multiple use. Congress and the U.S. Forest Service need to meet their commitments. The U.S. Forest Service is equipped to manage and conserve multiple use lands in perpetuity as guided by the National Environment Policy Act of '69 and by each forest, land, and resource management plan and accompanying environmental impact statement as required by the Forest and Range Land Renewable Resources Planning Act of 1974 as amended.

H.R. 1581 is a well thought out piece of legislation because it helps get the agencies out of their current analysis paralysis, which they are often in, and because it supports moving those lands into the nation's wilderness preservation system that truly have special characteristics while releasing back into multiple use those lands that have no special attributes deserving of wilderness classification. Multiple use lands provide more Americans with the widest variety of resource and social benefits. Multiple use lands best exemplify the Forest Service's time tested principle of the greatest good for the greatest number of people in the long run. Thank you.

[The prepared statement of Mr. Freeland follows:]

**Statement of Dave Freeland, District Ranger (Retired),  
Sequoia National Forest**

My name is Dave Freeland and I support H.R. 1581—The “Wilderness and Roadless Area Release Act of 2011.”

I retired from the USDA Forest Service in 2006, after successfully completing 34 years of public service. During my time with the U.S. Forest Service, I served on three national forests and seven ranger districts within California, in a variety of professional and administrative positions, including District Ranger and Acting Deputy Forest Supervisor. I'm a professional Forester and have been a member of the Society of American Foresters for approximately 35 years.

Additionally, I participated on the command staff of several National Interagency Incident Management Teams. These teams respond to significant natural and human-caused disasters, including catastrophic wildfires.

I currently work as a part-time private consultant for the County of Kern assisting the County with complex and sometimes controversial land management issues.

During my career, I have witnessed substantial acreage of National Forest system lands reallocated from a multiple-use category into more restrictive designations termed "*Specially Designated Areas*."

Since the time of the Wilderness Act of 1964, the Wild & Scenic Rivers Act of 1968, the Forest Service Roadless Area Conservation Final Rule of 2001, and the State Petitions for Inventoried Roadless Area Management Final Rule of 2005, approximately 166 million acres or 86% of the 192 million acre National Forest and Grassland system is in wilderness, wild & scenic rivers and inventoried roadless areas. On the Sequoia National Forest where I retired, only 22% of this 1.1 million acre forest currently remains in multiple-use.

As a former federal land manager, this conspicuous imbalance concerns me for the following reasons.

- 1) Most recreation visitor use occurs on multiple-use designated lands. With an ever increasing population of visitors being confined to a shrinking multiple-use land base, adverse consequences occur such as unintended resource damage, increased conflicts between visitors and additional law enforcement problems.
- 2) Specially designated areas can significantly diminish the enjoyment of public lands by limiting and/or prohibiting the responsible use of motorized and mechanized equipment such as off-highway vehicles, mountain bikes and mechanized deer carriers.
- 3) Individuals with physical disabilities and older Americans have difficulty or are completely denied access to a large portion of their public lands due to the lack of roaded access. This adverse situation will only intensify as millions of "Baby Boomers" will be retiring over the next couple of decades.
- 4) Specially designated areas can limit federal land management agencies from adequately treating vast acreages of land that are over stocked with trees and other vegetation which contribute to the risk of catastrophic attack by insects, disease and wildfire. Americans lose the benefit of by-products produced from these silviculture treatments in the form of thinned trees that contribute to our nation's need for wood fiber such as dimensional lumber, wood chips and other wood products. Wood fiber is of critical importance to our nation's economy and livelihood.

In summary, Congress and the U.S. Forest Service made a commitment to the American people that when the roadless area review was accomplished; those lands not suitable for additional congressionally designated wilderness would revert back to multiple-use. Congress and the U.S. Forest Service need to meet their commitments.

The U.S. Forest Service is equipped to manage and conserve multiple-use lands in perpetuity, as guided by the National Environmental Policy Act of 1969, and by each Forest's Land and Resource Management Plan and accompanying Environmental Impact Statement, as required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended.

H.R. 1581 is a well thought out piece of legislation because it supports moving those areas into the nation's wilderness preservation system that truly have special characteristics while releasing back into multiple-use those lands that have no special attributes deserving of wilderness classification.

Multiple-use lands provide more Americans with the widest variety of resource and social benefits. Multiple-use lands best exemplify the Forest Service's time tested principal of "*The greatest good, for the greatest number of people, in the long-run.*"

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Mr. BISHOP. Thank you. Mr. Hugelmeyer.

**STATEMENT OF FRANK HUGELMEYER, PRESIDENT AND CEO,  
OUTDOOR INDUSTRY ASSOCIATION**

Mr. HUGELMEYER. Thank you, Mr. Chairman and members of the Committee, for inviting me to testify. My name is Frank Hugelmeyer. As President and CEO of Outdoor Industry Association, title sponsor of the world's largest outdoor products trade show which serves 4,000 manufacturers and retailers in the outdoor recreation industry, there are three thoughts I want to discuss.

One, as Congress struggles with budgets, declining revenues, and economic recovery, I urge you to support a balanced economic approach. The outdoor industry is a large and diverse sector that creates jobs and bolsters tax revenues at all levels. In the U.S. the industry has an annual \$730 billion economic impact, employs 6.5 million Americans, and contributes \$88 billion in state and national tax revenues, enough to fund the entire Department of the Interior for several years.

Two, the outdoor recreation industry is growing, and vital to every community urban and rural. At nearly \$300 billion in annual retail sales and services our industry prospered during and after the recession when others have not, and is leading America's recovery. In 2010 our world class specialty outdoor industry grew by 6 percent, boosting jobs and tax revenues from Washington, D.C., to Coeur D'Alene.

Three, I ask you to approach H.R. 1581 as a responsible CEO. It is bad business to make a sweeping decision based on 30-year-old data. Unfortunately, this bill does just that. It releases all wilderness study areas and roadless areas without understanding the true consequences for communities and the industry. Our nation's protected lands and waters attract millions of tourists, recreationists, and sportsmen, of which I am one. They support sustainable and dependable economies in rural and gateway communities, balancing the negative effects of boom and bust industry so common on 75 percent of the Federal estate.

Back in the 1950s policy makers viewed oil, gas, and timber as the only economically productive use of our lands. This old world view no longer holds true and dates back before the innovative outdoor industry broadly existed. Today protective lands support an entrepreneur-led and dynamic economic engine that must be given equal consideration to extractive industries. America's healthiest local economies now offer a balanced mix of extractive, agricultural, recreation, tourism, and other jobs.

Like a good retailer provides a wide array of products, the Federal estate must also continue to offer the full spectrum of recreational zones, from multi-use high access trails to roadless and wilderness areas. Preserving a diverse public infrastructure enables the American public to choose from and outdoor businesses to provide the widest selection of experiences and adventures. The new value proposition of our nation's public lands requires a 21st-century approach that prioritizes protections where the recreational value is high, and I will repeat that. To prioritize protections where recreational value is high.

So what is our recommendation? In 2001 the American people voted overwhelmingly for the protection and enjoyment of roadless

areas. The Roadless Rule was founded after careful inventories, agency planning, and nearly 600 public hearings. The sheer volume of public comment makes it the most vetted and supported USDA rulemaking ever. The American people have spoken and we urge you to stand by this decision.

While wilderness study areas have been in limbo, it is not in the nation's best interest to make a single sweeping decision. Outdoor businesses support efforts to move forward on wilderness review and designation and recognize the value of collaborative resource management plans. Following this approach will ensure that significant recreation areas are not lost. However, until progress is made on this front protections for these wilderness study areas must remain in place.

At the heart of this matter are the hundreds of millions of Americans who spend time in the outdoors hiking, biking, camping, paddling, hunting, fishing, or wildlife viewing. Our nation is blessed to have these lands and activities, and it is part of the core American experience to enjoy them. In conclusion the outdoor industry will work hard to serve the Nation in these challenging times by trying to maintain our current growth trajectory. We only ask that you do not pass harmful legislation like H.R. 1581 which puts thousands of outdoor businesses on the defensive and in the position of having to defend the very infrastructure upon which their economy and customers depend. Thank you for your time and attention.

[The prepared statement of Mr. Hugelmeyer follows:]

**Statement of Frank Hugelmeyer, President and Chief Executive Officer,  
Outdoor Industry Association**

Mr. Chairman and members of the committee, thank you for inviting me to testify.

As president and CEO of Outdoor Industry Association, title sponsor of the world's largest outdoor products tradeshow, which serves 4,000 manufacturers and retailers in the active outdoor recreation industry, there are three thoughts I want to discuss:

- 1) As Congress struggles with budgets, declining revenues and economic recovery, I urge you to support a balanced economic approach. The outdoor industry is a large and diverse sector that creates jobs and bolsters tax revenues at all levels. In the U.S., the industry has an annual \$730 billion economic impact, employs 6.5 million Americans and contributes \$88 billion in state and national tax revenue, enough to fund the entire Department of Interior budget for several years.
- 2) Outdoor recreation is growing and vital to every community—urban and rural. At nearly \$300 billion in annual retail sales and services, our industry prospered during and after the recession, when others have not, and is leading America's recovery. In 2010, our world-class specialty outdoor industry grew by 6%, boosting jobs and tax revenues from Washington D.C. to Coeur d'Alene.
- 3) I ask you to approach H.R. 1581 as a responsible CEO. It is bad business to make a sweeping decision based on 30-year-old data. Unfortunately, this bill does just that—it releases all Wilderness Study Areas and Roadless Areas without understanding the true consequences for communities and the industry.

Our nation's protected lands and waters attract millions of tourists, recreationists and sportsmen. They support sustainable and dependable economies in rural and gateway communities, balancing the negative effects of boom and bust industries so common on 75% of the federal estate.

Back in the 1950s, policy makers viewed oil, gas and timber as the only economically-productive use of our lands. This old world view no longer holds true and dates back before the innovative outdoor industry broadly existed. Today, protected lands support an entrepreneur-led and dynamic economic engine that must be given equal



consideration to the extractive industries. America's healthiest local economies now offer a balanced mix of extractive, agricultural, recreation, tourism and other jobs.

Like a good retailer provides a wide array of products, the federal estate must also continue to offer the full spectrum of recreational zones, from multi-use high access trails to roadless and wilderness areas. Preserving a diverse public infrastructure enables the American public to choose from, and outdoor businesses to provide, the widest selection of experiences and adventures.

The new value proposition of our nation's public lands requires a 21st century approach that prioritizes protections where the recreational value is high. So what is our recommendation?

- In 2001, the American people voted overwhelmingly for the protection and enjoyment of Roadless Areas. The Roadless Rule was founded after careful inventories, agency planning and nearly 600 public hearings. The sheer volume of public comment makes it the most vetted—and supported—USDA rule-making ever. The American people have spoken, and we urge you to stand by this decision.
- While Wilderness Study Areas have been in limbo, it is not in the nation's best interest to make a single sweeping decision. Outdoor businesses support efforts to move forward on wilderness review and designation, and recognize the value of collaborative resource management plans. Following this approach will ensure that significant recreation areas are not lost. However, until progress is made on this front, protections for these Wilderness Study Areas must remain in place.

At the heart of this matter are the hundreds of millions of Americans who spend time in the outdoors hiking, biking, camping, paddling, hunting, fishing, or wildlife viewing. Our nation is blessed to have these lands and activities, and it is part of the core American experience to enjoy them.

In conclusion, the outdoor industry will work hard to serve the nation in these challenging times by maintaining our current growth trajectory. We only ask that you do not pass harmful legislation like H.R. 1581 which puts thousands of outdoor businesses on the defensive and in the position of having to defend the very infrastructure upon which their economy and customers depend.

Thank you for your time and attention today.

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Mr. BISHOP. I thank the four of you for the testimony so your oral testimony will be added to the record as well. I hate to do this to you but we are going to suspend for I am going to estimate about 20 minutes, 15 to 20 minutes. They are still on I think the first vote. They have just started the second vote, there are still two more votes plus an activity that is up there. So let us, if I could have you reconvene say around 15 minutes, 20 minutes roughly, give or take. And my goal is to try and finish the questioning so that you can go, but I appreciate once again your testimonies, I appreciate you sticking around this long with us and I appreciate your coming here as well as bringing everything that you brought with you. So we are in recess roughly 15 to 20 minutes.

[Recess.]

Mr. BISHOP. We will call this, whatever we are, Subcommittee hearing back to order. We once again thank you for your patience in waiting for us. We have a few questions still to go through for this panel as well. We will, and obviously we are somewhat flexible on the time here but we do still want to get out at a reasonable manner. I will turn to the Ranking Member, Mr. Grijalva, if he has a few questions.

Mr. GRIJALVA. Yes, thank you. Ms. Simpson, if I may, do you know how many miles of roads already exist in the National Forests? How many miles of user created roads and trails exist, is there a number you can share with the Committee?

Ms. SIMPSON. I don't have a current number on that, we can get back to you. Under Secretary Sherman may have, Harris Sherman may have put that out there earlier.

Mr. GRIJALVA. Mr. Horgan, and I think in your testimony you state that the problem is that these areas are already being managed as wilderness and that it is hurting your community, but at the same time in the testimony you talk about many people retire in rural areas such as Lake Isabella in order to be able to be near where they can easily enjoy all forms of recreation. If these areas are harmful, why would anybody be wanting to retire in the community? And if they are popular and very rural and the alternative being talked about is they are opened up to oil, gas, and timber development, doesn't that contradict the purpose and the rationale for people coming there? It is just a question, I was confused, I thought there was a contradiction in those statements.

Mr. HORGAN. People come to rural areas as I mentioned in my testimony to enjoy all forms of recreation. Public lands have many different activities on them. One of them may be timber management, not necessarily, and that would have to be done under the strictest regulations in the world. So there is a way of having recreation and timber management work together. Not all the forests are clear cut, as a matter of fact most management programs don't allow any clear cutting so the timber management would just be a matter of thinning, which makes the area more healthy.

It also is usually more aesthetic to the eye, a forest that is heavily overgrown you can't hike through. We have to do maintenance on the trails and I can tell you over this past spring there were over 130 trees per mile down on the trail and we have to clear those off the trail. A forest that is healthier requires less maintenance and management. But the people come there to enjoy.

Mr. GRIJALVA. OK, so in your mind there is no contradiction with the harmful effect on your community that you mentioned in your testimony and the fact that people will come to this rural setting in order for them to be able to recreate in the areas that you had stated because of the management of them was harmful, there is no contradiction there?

Mr. HORGAN. Well, I am not in agreement about the harm. I think the management promotes forest health, and we have seen both recreation and active management of the forest work well together and the people have come there for the forest that is actively managed and healthy.

Mr. GRIJALVA. OK, thank you, appreciate it.

Mr. HORGAN. You are welcome.

Mr. GRIJALVA. Mr. Hugelmeyer, you have a number of companies who sell products to hunters and anglers, is that correct?

Mr. HUGELMEYER. Yes.

Mr. GRIJALVA. And you feel that those customers are well served by having wilderness areas available for hunting and fishing?

Mr. HUGELMEYER. Yes, absolutely, yes.

Mr. GRIJALVA. One of the things, one of the remarks about wilderness areas or WSAs is that it is wasted space. Is development in the sense that that has to be the highest and the best use for all Federal land?

Mr. HUGELMEYER. Well, our opinion in the industry is that you have to provide a full spectrum of opportunities. You need to be able to provide a menu of recreation options. And roadless and wilderness areas provide what we consider the most pristine and quiet type of recreation, and not all uses and activities should be within the wilderness zone. This has been something that Americans have been exploring, the natural wilderness, since the beginning of the founding of the country. It is as old as Lewis and Clark's exploration, and we still have that same spirit as Americans.

In fact we are seeing a lot of companies right now creating particularly around the adaptive sports areas and disabilities where they are taking veterans and folks with disabilities into wilderness areas as part of recreational therapy. There is even an adaptive sports industry growing out of this where they are creating tools to row, to climb, hike, bike, paddle, and we are seeing nonprofits start up around these active areas as well.

Mr. GRIJALVA. Thank you very much, Mr. Chairman.

Mr. BISHOP. Thank you. Let me ask a couple questions if I could. May I start with Ms. Simpson. I understand you are here today representing the Safari Club. Are you aware of other hunting groups that support this particular piece of legislation?

Ms. SIMPSON. Yes, Mr. Chairman. In fact, I have a letter from, including Safari Club, nine other hunting organizations representing over 5 million hunters across the Nation that have written to the Committee in support of the bill based on the very issues that I raised in my testimony.

Mr. BISHOP. All right, and you will submit those to us as well?

Ms. SIMPSON. Yes I will.

Mr. BISHOP. As a sportsmen organization, I am assuming that the Safari Club works closely with state game and fish agencies. If so, do you know the positions on wilderness policy and other wilderness characteristics of these groups?

Ms. SIMPSON. We work very closely with individual state game and fish management agencies as well as with the Association of Fish and Wildlife Agencies here in D.C. Not to speak on their behalf, but I do know that they have a letter that has gone to BLM Director Abbey raising concerns regarding wilderness study areas and wilderness characteristics being allocated to public lands. Because of issues with the state game and fish having inconsistent direction from how the Federal agencies are managing those properties, it causes problems for the game and fish agencies to manage the wildlife, and we of course being a hunting organization are concerned about game.

Mr. BISHOP. So in your opinion is it more cost effective to manage areas identified in this bill, H.R. 1581, for multiple use or the current status quo?

Ms. SIMPSON. Oh definitely more cost effective to manage for multiple use.

Mr. BISHOP. Do you feel that one offers better conservation than the other?

Ms. SIMPSON. I think getting back to our site specific discussions that have been raised earlier that would depend. Our support for this bill is based in part on the fact that these lands would go back into multiple use consideration and be part of the land manage-

ment planning, so that would be up to the public and the land managers on individual parcels.

Mr. BISHOP. OK, thank you. Mr. Horgan, if I can ask you a couple of questions. The 2001 Roadless Rule has been called the most vetted and supported in USDA rulemaking history. Is that actually factually correct or would you have a different perspective on that?

Mr. HORGAN. Well, in my experience, I understand that it has been litigated by a number of states, so I think being most vetted would be inaccurate, or supported. As well, I did some research and found that over 88 percent of the agencies who submitted comments were opposed to the Roadless Rule. There were also some comments made that it was illegal. So I would disagree that it is the most vetted and supported.

Mr. BISHOP. OK. Mr. Hugelmeyer, when you state that our nation's protected lands and waters attract millions of tourists and recreationists, sportsmen, are you referring to wilderness lands or National Forest lands or other types of lands?

Mr. HUGELMEYER. It is all interconnected, it is one part of a large connected infrastructure on which we depend. So from our perspective, Mr. Chairman, we need to make sure that the areas that are most recreationally significant have some sort of protection so that we can make sure that our activities that our customers depend on and that our businesses depend on are able to be supported on those public lands.

Mr. BISHOP. So you need more than just wilderness lands to protect your business?

Mr. HUGELMEYER. We need the full spectrum of recreational zones, yes.

Mr. BISHOP. So when you were also talking about the potential of people who are paraplegics or those who have handicaps, sometimes it is not possible for them to do the kinds of recreation that they are capable of doing solely on wilderness lands?

Mr. HUGELMEYER. No, they need the full spectrum as well just like our industry does. But wilderness is part of that portfolio of public lands.

Mr. BISHOP. So, Ranger Freeland then, you know, at the time of its founding what percentage of the U.S. forests were managed as multiple use and do you have any way of relating to that to what percentage is used today?

Mr. FREELAND. Well, I can speak for the Sequoia National Forest where I came from, and I think it is pretty typical of a lot of your National Forests. You know, and we are forgetting that there are other special designated areas like Wild and Scenic Rivers, there are miles of Wild and Scenic River corridors, about a half a mile swath. And on the Sequoia National Forest I think only about 20 percent of the Sequoia National Forest remain in multiple use, as compared to when I first started with the Forest Service, in fact, back when it was created, it was 100 percent multiple use, you know, back in the day. So very little is left for multiple use, which provides more opportunity for more people.

Mr. BISHOP. So if there are a greater number of tourists and recreationists today concentrated on fewer and fewer remaining multiple use lands that presents a problem, a difficulty in times then?

Mr. FREELAND. Yes it does. I have seen it, I have lived it as a district ranger, because it is obvious when you put more and more people on a smaller land base not only do you receive damage to your roads and trails and your wildlife habitat, your rivers, but you also get social conflicts too. You get people together and I have had experiences where snowmobilers are trying to run cross-country skiers off the trail and cross-country skiers trying to throw their ski poles at, you know, it gets to a contentious situation when you get that many people together.

Mr. BISHOP. OK, I am not trying to cut you off but my time is over, but thank you. Mr. Tipton, do you have any questions for this panel?

Mr. TIPTON. Thank you, Mr. Chairman. And I guess, Ms. Simpson, I admire what your organization does. I would just like to have your comment. It has been my experience, I come from a rural part of Colorado, we grew up loving our public lands and access to them, I come from a farm and ranch community, hunting community. Is it pretty much your experience that the industry that is our sportsmen, farm and ranch community, have been good custodians of public lands?

Ms. SIMPSON. Absolutely. The sportsmen community would say that they are first and foremost the true conservationists. It is their money that goes back toward conservation, funds the state game and fish agencies through excise taxes from equipment sales.

Mr. TIPTON. Right, I would agree with that. And, Mr. Freeland, I wanted to go back just to your comment.

Mr. FREELAND. Sure.

Mr. TIPTON. And I just want to clarify that. Sequoia National Forest when you started it was 100 percent multiple use and then?

Mr. FREELAND. Well, I am talking about the National Forest System when it first started.

Mr. TIPTON. Right.

Mr. FREELAND. You know, back in Pinchot's day.

Mr. TIPTON. Right.

Mr. FREELAND. But in the 30 years I was there off and on, I have transferred around, a significant amount of the land base in the Sequoia National Forest has been converted to Wild and Scenic Rivers. We had legislation that converted the Kern River to a Wild and Scenic River, and we have in my ranger district three fairly large wilderness areas, and then we had roadless areas for consideration as well.

Mr. TIPTON. Right.

Mr. FREELAND. So when you add all that together, you know, about 20 percent is left for that what used to be a lot of multiple use is a very small area.

Mr. TIPTON. And so has it been your experience since we have restricted access to the people's public lands that we are actually creating and damaging some of that 20 percent more than would really be necessary if we had more freedom?

Mr. FREELAND. Yes. I think it is just logical if we can spread more people out not only does that give them more opportunities but it also lessens the degree of resource damage and social conflicts and law enforcement problems all the way around. So I think it is good sense.

Mr. TIPTON. And was it your experience in the Forest Service you still manage that? It wasn't like all of a sudden, Katie bar the door, that people could do anything that they wanted at any time? You still impose some restrictions?

Mr. FREELAND. You know, there is an impression out there unfortunately that if these lands are released back into multiple use it is a free for all. That is farthest from the truth. These lands have the most stringent environmental laws in the world on multiple use lands as well as all the other National Forest lands. So there is an extensive environmental analysis and public involvement process you have to go through for any kind of activity on the National Forest including multiple use lands. And that includes fire killed timber that you want to harvest, has to go through that process as well.

Mr. TIPTON. Right. I appreciate that. And, Mr. Hugelmeyer, I would just kind of like to ask you a question from a Colorado standpoint. I do have some real concern particularly driving up toward Vale. You know, we see red hillsides right now. We are literally, and we hear the words echoed by Members from both sides of the aisle that come from the West, that we are very concerned about that one lightning strike, that one spark that is hitting.

And we have the Colorado Roadless Rule and I know that a lot of work had gone into that, but I am still very concerned, are we going to have that ability to be able to get equipment in, to be able to address a forest fire where we continue to have problems in southwestern Colorado, at where we only have one mill left in Colorado right now and it is in receivership to be able to harvest the timber. And is there a better way to do this?

Mr. HUGELMEYER. Well, as a fellow Coloradan, I share that concern, and go up there often to go fishing into the great gold medal waters up there. That is why we supported the Roadless Rule and why we were able to get 10,000 executives from the industry to sign a support of the Roadless Rule, because of the fire protection portion of that. We also worked very hard to support the Flame Act, because what we have seen is of great underfunding of the Forest Service budget to be able to support the fire prevention across the country. So we are in great support of what you are bringing up and hope that Congress will continue to fund those areas, but not at the expense of the recreation management.

I think as I have been listening to the Committee over the course of the day there has been a lot of concern about roads and the degradation of roads and the ability of the Forest Service to be able to do its job. And it is sort of a catch-22 when it is underfunded, they don't have the resources to be able to do that and we see the appropriations process actually fail what the concerns have been from what I have heard from many of the Members here today.

Mr. TIPTON. Mr. Chairman, may I do just one more follow up on that? I guess one point I would like to explore just a little further with you is, with some of the restrictions that obviously the Roadless Rule put into place, because as a Coloradan you and I have both seen a lot of roads that are already carved through there now that are going to be blocked off. I will go back to a question that I had asked Director Abbey, and I do have a deep concern for that one constituent, one person that brought it to my attention out

of Montrose, who is a handicapped veteran, still ambulatory, he can walk down a hallway, but he isn't able to negotiate, he isn't really going to have access getting into some of these areas. Does that concern you?

Mr. HUGELMEYER. See that is not our experience that we see these areas as locked up. And I hear folks talk about challenges, limitations, and we see opportunity and a business industry growing when you have nonprofits and adaptive businesses starting to focus specifically on the veteran you are talking about to help them go into and explore wilderness areas in their most pristine. So it is an actual industry that is growing and in my written testimony I have actually attached some of those adaptive sports groups who are now supporting that community.

So it is not our experience that these are locked up. As far as the roads on roadless areas being shut, I personally have not experienced that. We share that concern. We would not want to see roads being closed off. But again we see that as an issue of the funding and the underfunding of the Forest Service and that is why that is happening, because they don't have the dollars to maintain it.

Mr. TIPTON. I yield back, Mr. Chairman, thanks.

Mr. BISHOP. Thank you. Mr. Grijalva, do you have some more?

Mr. GRIJALVA. Yes just a couple of quick ones, and, Mr. Chairman, without objection to enter letters of opposition to the legislation that we are discussing right now?

Mr. BISHOP. Without objection.

Mr. GRIJALVA. Thank you very much. Just, Mr. Hugelmeyer, just a couple of questions. When companies are looking to relocate or open new locations, they consider the quality of life in an area and what it might provide to their employees. What are some of the factors as a business person when people are relocating businesses, what are some of the factors that go into determining what that quality of life is, schools, et cetera, if you don't mind?

Mr. HUGELMEYER. Well, we are actually seeing across the West and where there are the largest and greatest number of public lands the best companies, the best tech companies, the best health companies, it attracts the best employees. So a quality of life economy, which we feel the outdoor recreation is a key part of, actually has really helped grow many of the best western economies and healthiest ones that we are seeing today.

Colorado and Utah come to mind, and I know the Chairman can speak to this himself, the quality of life in Utah is one of the great environments in all of the country, and it continues to attract some of the best outdoor companies there. But it is because of the wild and scenic areas and the availability of that that really brings these companies there. Obviously tax benefits, the regular business issues that any business is going to decide in terms of incentives, making sure that there are great incentives in that area, but wildlands, public lands, and a wide variety of them and a full spectrum of them is one of the key reasons we are seeing some of the best western economies grow.

Mr. GRIJALVA. Thank you. I think the wildlands concept hasn't worked really well with Arizona because I think people have been fixated on the wildlands that is our local State Legislature, so it

has been kind of difficult to attract a lot of relocations. I was going to talk, as a business person one more question, sir. What does the term due diligence mean to you? And for is the solution to the issue that Congress do their due diligence on these individual proposals that might come in for designation? And does this bill in its present form deal with the concept of due diligence and does it serve that purpose?

Mr. HUGELMEYER. In our industry's opinion it does not and in my personal opinion it does not. It seems to bring a hammer to a problem that needs a scissor. And the reality is there are a lot of different abilities to carve out, particularly the WSAs that have already seen approval, they shouldn't be thrown out with the ones that have been found unsuitable. And this packages them together from our perspective in the way the language reads, along with the roadless areas itself.

Mr. GRIJALVA. OK, thank you. I yield back, Mr. Chairman, and thank you.

Mr. BISHOP. I think you need to reread the details of that particular bill. Ms. Simpson, amongst the groups, the other groups that had given you letters, which I once again I hope that we make sure that we put those letters in the record as well, was the National Rifle Association one of those groups?

Ms. SIMPSON. Yes, sir.

Mr. BISHOP. OK. Mr. Freeland, I understand that you are also a member of the Back Country Horsemen as well as a retired Forest Service district ranger?

Mr. FREELAND. Well, I am not an actual member, but I participate with them both when I was a ranger and now that I am retired.

Mr. BISHOP. Have you had any personal experience with problems in accessing WSAs?

Mr. FREELAND. I have had trouble not so much there, but we are dealing with the roadless areas where I am at. However, we had some trouble in a wilderness area that had burned in 2000, called the Domeland Wilderness, and as a result, and that was 10 years ago, and trees, dead trees have continued to fall because we couldn't harvest them obviously, it is a wilderness area. But trying to get permissions, the Back Country Horsemen, from the Forest Service to use chainsaws to clear those trails out has been a major undertaking, and we still don't have the approvals. It forces them to have to use hand equipment, we call them misery whips, they are back cut saws, and that is impractical.

And so, you know, even though there is, they say that laws and regulations allow you to do certain things, it is easier said than done. And as a result we are getting fairly significant damage now in the Domeland Wilderness because people are going around those dead trees that have fallen and livestock are in jeopardy trying to get around those things in the brush fields, and it puts people in jeopardy that are using hand tools because of the risk of trees falling on them. So, you know, these roadless areas are almost treated like wilderness, and because the Forest Service takes this very restrictive approach on those the likelihood of that occurring in roadless areas is pretty high too of getting permissions to work in those areas for both safety and prevent resource damage.



Mr. BISHOP. So there is, and I guess maybe Mr. Horgan, you can both speak to this, there is the ability then by the way the reality works that some of these areas that ought to have access can be closed off to access simply because the ability of maintaining them is not allowed or does not have the capability of going forward. And I am assuming, Mr. Horgan, your group has faced something similar to that?

Mr. HORGAN. That would be correct. As I mentioned earlier, we are seeing over 130 trees down per mile on many of the trails, opening up the trails this spring. And that is something you have to do every year is clear the downed trees off the trail to eliminate resource damage, to make it so that it is successful for everybody, and with that amount of downfall it is very difficult to have the manpower to do it with hand tools, virtually impossible. So you really need to have chainsaws and in most of these areas they don't allow it.

I will note that the Forest Supervisor Terrell went out on a limb and did allow chainsaw use to clear down trees in the wilderness area, and the Sierra Club pitched such a fit over it that now no one is going out on a limb to allow anything, they are gun-shy. And I said, geez, if you guys want to clear the trails why don't you come and clear the multiple use trails? If the Sierra Club doesn't want you in the wilderness, we would be more than happy to have you on the multiple-use lands. It is a lot of work to clear trail.

Mr. BISHOP. I have sometimes found just anecdotally over the years that those people who are working on the ground usually have a different perspective and an easier way of trying to solve problems than some who stay back here, without trying to cast aspersions anywhere. Let me just ask you the question I did on the second panel, yes or no, do you consider this to be an extreme piece of legislation? Ms. Simpson?

Ms. SIMPSON. No.

Mr. BISHOP. Mr. Horgan?

Mr. HORGAN. No.

Mr. BISHOP. Mr. Freeland?

Mr. FREELAND. No, sir.

Mr. BISHOP. Mr. Hugelmeyer?

Mr. HUGELMEYER. I consider it overreaching.

Mr. BISHOP. Of a region?

Mr. HUGELMEYER. Overreaching.

Mr. BISHOP. Oh, overreaching, I am sorry.

Mr. HUGELMEYER. Yes.

Mr. BISHOP. I thought that was a form of veganism. Let me just say one last thing. We do have the concept of recapture in the State of Utah for our education system. Are you aware of any effort where recapture, which means an area was able to produce more for the revenue than it is necessary to reach the state minimum for funding education and they were able to exceed that amount, do you have any recollection of the outdoor industry ever being able to generate that type of revenue for the education system in Utah?

Mr. HUGELMEYER. What we know is that the dollars that the outdoor industry brings in has not been appropriated in that way by the local appropriators. We know what we bring in.

Mr. BISHOP. That is not what I asked you. Has the generation of income ever been recaptured in the State of Utah? And I will make it easy for you, the answer is no.

Mr. HUGELMEYER. It has not, but it is big enough.

Mr. BISHOP. And I do agree with what you are saying that jobs are attracted by the quality of life. Unfortunately it is usually by golf clubs and golf courses, but that is OK, it is still a positive that happens to be there. I don't want to eliminate any industries that happen to be out there, I just want to make sure that all of those industries have the capability and especially those that provide for a responsible base for building the economy of the State of Utah and paying for our infrastructure and paying for our kids are allowed to be there. I don't have any other questions. Mr. Grijalva, do you have anything else?

Mr. GRIJALVA. Not at all.

Mr. BISHOP. With that, if there are no other questions, I would like to thank the witnesses, you four who stayed here to the bitter end, I appreciate it very much. Those that have abandoned you that were our prior panels, I thank you for being here, for your staff, your participation. Members of the Subcommittee have additional questions they may be asking you and we would ask you to respond to those questions. The other panels that have already left, they have the same obligation they just don't know about it yet. But I thank you for doing that. The hearing record will be open for ten days to receive responses, and if there is no other business, we stand adjourned. Thank you once again for being here.

[Whereupon, at 2:35 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

The documents listed below were submitted for the record and have been retained in the Committee's official files.

- American Whitewater, Letter in opposition to H.R. 2578
- American Fly Fishing Trade Association, Letter in Opposition to H.R. 1581
- American's for Responsible Recreation; American Council of Snowmobile Associations; American Motorcyclist Association; BlueRibbon Coalition; Motorcycle Industry Council; National Off-Highway Vehicle Conservation Council; Off-Road Business Association; Recreational Off-Highway Vehicle Association; Specialty Equipment Association; Specialty Vehicle Institute of America; and United Four Wheel Drive Association, Letter in support of H.R. 1581
- Association of Fish and Wildlife Agencies, Letter in opposition to Secretary Order 3310
- Barnett, Cara, Program Director, Sun Valley Adaptive Sports, Letter in opposition to H.R. 1581
- Campfire Club of America; Conservation Force; National Rifle Association; National Trappers Association; North American Bear Foundation; Rocky Mountain Elk Foundation; Safari Club International; U.S. Sportsmen's Alliance; Whitetails Unlimited, Letter in support of H.R. 1581
- Crimmins, Tom, Professionals for Managed Recreation, Letter in support of H.R. 1581

- Maggard, Mike, Chairman, Kern County Board of Supervisors, Letter in support of H.R. 1581
- Outdoor Alliance, Letter in opposition to H.R. 1581
- Podliska, Rick, American Motorcyclist Association, Letter in support of H.R. 1581
- Public Lands Council; American Sheep Industry Association; National Cattleman's Beef Association; Arizona Cattle Grower's Association; California Cattleman's Association; Colorado Wool Growers Association; Idaho Cattleman's Association; Idaho Wool Growers Association; Montana Association of State Grazing Districts; Montana Public Lands Council; Montana Stock Growers Association; Nevada Cattleman's Association; Oregon Cattleman's Association; South Dakota Cattlemen's Association; Utah Wool Growers Association; Washington Cattleman's Association; and Wyoming Stock Growers Association, Letter in support of H.R. 1581
- Quinn, Hai, President, The National Mining Association, Letter in support of H.R. 1581
- The National Association of Counties, Letter in support of H.R. 1581
- The Conservation Alliance, Outdoor Industry Association, Letter in opposition to H.R. 1581
- Washington Off Highway Vehicle Association, Letter in support of H.R. 1581
- Webster, Joel, Director, Theodore Roosevelt Conservation Partnership, Letter in opposition to H.R. 1581
- White, Melissa M., Regional Council of Rural Counties, Letter in support of H.R. 1581
- Wickman, Bill, Chairman, Plumas County Economic Recovery Committee, Letter in support of H.R. 1581
- Wickman, Bill, and Laurel Brent-Dumb, Sustainable Forest Action Coalition, Letter in support of H.R. 1581

